

TITLE XV: LAND USAGE

Chapter

- 150. BUILDING REGULATIONS; CONSTRUCTION**
- 151. DEVELOPMENT IMPACT FEES**
- 152. FLOOD DAMAGE PREVENTION**
- 153. FIRE PREVENTION AND PROTECTION**
- 154. UNIFIED DEVELOPMENT ORDINANCE**
- 155. PUBLIC IMPROVEMENT REIMBURSEMENT AGREEMENTS**
- 156. GENERAL PLAN**

CHAPTER 150: BUILDING REGULATIONS; CONSTRUCTION

Section

Building Codes Generally

- 150.001 Adoption of International Code Council Codes
- 150.002 Conformance with zoning ordinance
- 150.003 Building inspection fees
- 150.004 Electrical Code
- 150.005 MAG standards
- 150.006 Supplemental research and recommendation services
- 150.007 Board of Appeals
- 150.008 Manufactured housing standards
- 150.009 ADA standards and regulations

Street Numbering System

- 150.020 Purpose
- 150.021 Definitions
- 150.022 Generally
- 150.023 Street naming
- 150.024 Address numbers

Rights-of-Way and Grading Permits

- 150.040 Purpose
- 150.041 Scope
- 150.042 Adoption of permit application form

- 150.043 Definitions
- 150.044 Enforcement
- 150.045 Appeals
- 150.046 Permit requirements; classes of permit
- 150.047 Life of permit
- 150.048 Denial of permit
- 150.049 Fees
- 150.050 Additional stipulations

Roadway Standards

- 150.065 Compliance with code
- 150.066 Rights-of-way
- 150.067 Construction requirements

Underground Electric, Telephone, Cable and Communication Lines

- 150.080 Definitions
- 150.081 Underground utility lines
- 150.082 Exceptions
- 150.083 Town participation as developer
- 150.084 Waiver of underground installation requirements

Mailboxes

- 150.100 General
- 150.101 Location
- 150.102 Sizes
- 150.103 Structures
- 150.104 Shoulder and parking area construction
- 150.105 Removal of nonconforming or unsafe mailboxes

BUILDING CODES GENERALLY

§ 150.001 ADOPTION OF INTERNATIONAL CODE COUNCIL CODES.

(A) *International Building Code.*

(1) That certain code entitled International Building Code, 2006 edition, with appendices "C", "I" and "J", as adopted by the International Code Council, is hereby adopted as the Building Code of the town and made a part of this chapter, the same as though said code and appendices were specifically set forth in full herein; and at least 3 copies of the code shall be filed in the office of the Clerk and Planning and Building Department and be kept available for public use and inspection.

(2) Amendments to that certain code entitled International Building Code, 2006 edition, as adopted by Ordinance Nos. 07-689 and 09-721, are hereby made part of this chapter the same as though amendments to the code were specifically set forth in full herein. At least 3 copies of the amendments to the code shall be filed in the offices of the Clerk and Planning and Building Department and kept

available for public use and inspection.

(B) *International Residential Code.*

(1) That certain code entitled International Residential Code, 2006 edition, with appendices "A", "B", "C", "G", "H", "J" and "L", as adopted by the International Code Council, is hereby adopted as the Residential Code of the town and made a part of this chapter, the same as though the code and appendices were specifically set forth in full herein; and at least 3 copies of the code shall be filed in the office of the Clerk and Planning and Building Department and be kept available for public use and inspection.

(2) Amendments to that certain code entitled International Residential Code, 2006 edition, as adopted by Ordinance No. 07-689, are hereby made part of this chapter the same as though amendments to the code were specifically set forth in full herein. At least 3 copies of the amendments to the code shall be filed in the offices of the Clerk and Planning and Building Department and kept available for public use and inspection.

(C) *International Fuel Gas Code.*

(1) That certain code entitled International Fuel Gas Code, 2006 edition, as adopted by the International Code Council, is hereby adopted as the Fuel Gas Code of the town and made a part of this chapter, the same as though the code and appendices were specifically set forth in full herein; and at least 3 copies of the code shall be filed in the office of the Clerk and Planning and Building Department and be kept available for public use and inspection.

(2) Amendments to that certain code entitled International Fuel Gas Code, 2006 edition, as adopted by Ordinance No. 07-689, are hereby made part of this chapter the same as though amendments to the code were specifically set forth in full herein. At least 3 copies of the amendments to the code shall be filed in the office of the Clerk and Planning and Building Department and kept available for public use and inspection.

(D) *International Mechanical Code.*

(1) That certain code entitled International Mechanical Code, 2006 edition, with appendix "A", as adopted by the International Code Council, is hereby adopted as the Mechanical Code of the town and made a part of this chapter, the same as though the code and appendix were specifically set forth in full herein; and at least 3 copies of the code shall be filed in the office of the Clerk and Planning and Building Department and be kept available for public use and inspection.

(2) Amendments to that certain code entitled International Mechanical Code, 2006 edition, as adopted by Ordinance No. 07-689, are hereby made part of this chapter the same as though amendments to the code were specifically set forth in full herein. At least 3 copies of the amendments to the code shall be filed in the office of the Clerk and Planning and Building Department and kept available for public use and inspection.

(E) *International Plumbing Code.*

(1) That certain code entitled International Plumbing Code, 2006 edition, with appendices "E" and "F", as adopted by the International Code Council, is hereby adopted as the Plumbing Code of the town and made a part of this chapter, the same as though said code and appendices were specifically set forth in full herein; and at least 3 copies of the code shall be filed in the office of the Clerk and Planning and Building Department and be kept available for public use and inspection.

(2) Amendments to that certain code entitled International Plumbing Code, 2006 edition, as adopted by Ordinance No. 07-689, are hereby made part of this chapter the same as though amendments to the code were specifically set forth in full herein. At least 3 copies of the amendments to the code shall be filed in the office of the Clerk and Planning and Building Department and kept available for public use and inspection.

(2001 Code, § 7-1-1) (Am. Ord. 04-569, passed 2-12-2004; Am. Ord. 04-570, passed - -; Am. Ord. 07-686, passed 5-10-2007; Am. Ord. 07-689, passed 5-10-2007; Am. Ord. 09-721, passed 7-23-2009)

§ 150.002 CONFORMANCE WITH ZONING ORDINANCE.

Whenever a building permit is issued to any person or entity and a building inspection performed, the building must conform to the provisions of the town zoning ordinance (also referred to as the "Unified Development Ordinance," which was adopted and made a part of this code in § 154.01), in addition to the provisions of this chapter. It shall be the responsibility of the person or entity to whom the permit is issued to comply with the provisions of the zoning ordinance and this chapter, and any damage resulting from the lack of conformity to the zoning ordinance and this chapter shall be chargeable to the person or entity.

(2001 Code, § 7-1-2) (Am. Ord. 04-569, passed 2-12-2004; Am. Ord. 07-686, passed 5-10-2007)

§ 150.003 BUILDING INSPECTION FEES.

The Council shall adopt a schedule of building inspection fees by resolution. Building inspection fees relate to and are to be used in conjunction with the relevant provisions of the various uniform codes described in this chapter. When inspections are required a fee shall be charged in accordance with the schedule as established by resolution of the Council.

(2001 Code, § 7-1-3) (Am. Ord. 04-569, passed 2-12-2004; Am. Res. 04-690, passed 2-26-2004)

§ 150.004 ELECTRICAL CODE.

The certain code entitled "National Electrical Code", 2005 edition, is hereby adopted as the Electrical Code of the town and made a part of this chapter, the same as though the code were specifically set forth in full herein; and at least 3 copies of the code shall be filed in the office of the Clerk and Planning and Building Department and be kept available for public use and inspection.

(2001 Code, Art. 7-2) (Am. Ord. 04-569, passed 2-12-2004; Am. Ord. 07-686, passed 5-10-2007; Am. Ord. 07-689, passed 5-10-2007)

§ 150.005 MAG STANDARDS.

Those certain documents entitled Maricopa Association of Governments Standard Specifications and Maricopa Association of Governments Uniform Details for Public Works Construction, 1992 edition, with appendices, adopted by Resolution No. 512 and made a part of this chapter, the same as though the code and appendices were specifically set forth in full herein; and at least 3 copies of the code shall be filed in the office of the Clerk and kept available for public use and inspection.

(2001 Code, Art. 7-5)

§ 150.006 SUPPLEMENTAL RESEARCH AND RECOMMENDATION SERVICES.

In addition to the basic codes as described in §§ 150.001 through 150.005 and Chapter 153, the Building Official may enforce standards as a part of this chapter that are contained in any recognized research and recommendation services, such as the International Conference of Building Officials, or such other research and recommendation service as recommended by the Building Official and approved by the Mayor and Council.

(2001 Code, Art. 7-6)

§ 150.007 BOARD OF APPEALS.

Section 112 of that certain code entitled International Building Code, 2003 edition, adopted in § 150.001 of this chapter, is hereby amended in its entirety to read as follows:

Section 112: Board of Appeals

In order to determine the suitability of alternative materials and methods of construction and provide for reasonable interpretations of this code, there is hereby created a Board of Appeals of the town to consist of three (3) members appointed by the council. The terms of the board members shall be set at three, two and one years. All members shall serve without pay. However, members of the board may be reimbursed for actual expenses incurred in connection with their duties upon authorization and ratification by the board and approval of such expenditures by the council.

(2001 Code, Art. 7-7)

§ 150.008 MANUFACTURED HOUSING STANDARDS.

(A) Manufactured housing unit construction and safety standards adopted by the U.S. Department of Housing and Urban Development (HUD) pursuant to § 7(D), Department of Housing and Urban Development Act, 42 U.S.C. § 3535(D), Title VI, Housing and Community Development Act of 1974 (42 U.S.C. § 5401) and amendments thereto are hereby adopted as manufactured housing unit construction and safety standards for the town.

(B) The Building Official shall issue no building permit for the installation of any manufactured housing unit within the town unless the manufactured housing unit can be proven to comply with the standards set forth in division (A) above. This prohibition shall also apply to any manufactured housing unit installation permit to be issued for the relocation of a manufactured housing unit within the town.

(C) It shall be the responsibility of permit applicants to demonstrate to the Building Official that any manufactured housing unit for which an installation permit is requested is in compliance with the standards set forth in division (A) above. Proof of compliance shall be a decal certifying that the manufactured housing unit has been inspected and constructed in accordance with the requirements of HUD in effect at the date of manufacture wherein the date shall not have been prior to June 15, 1976.

(D) All manufactured housing units placed within the town shall be required to have skirting installed within 60 days after both the setup and utilities have passed inspection. It shall be the permit holder's responsibility to call for a final inspection from the town's Building Inspector after skirting is completed. Any skirting installed pursuant to this section shall comply with A.R.S. § 41-2155, A.A.C. R4-34-205, the Office of Manufactured Housing Installation Standards and the town manufactured housing standards, copies of which may be obtained from the Chino Valley Building Department.

(2001 Code, Art. 7-8)

§ 150.009 ADA STANDARDS AND REGULATIONS.

The certain document entitled "ADA Standards and Regulations," dated September 15, 2010, is hereby adopted and made a part of this chapter, the same as though the document were specifically set forth in full herein; and at least 3 copies of the document shall be filed in the office of the Town Clerk and the office of the Building Division, and shall be kept available for public use and inspection.

(Ord. 12-757, passed 2-28-2012)

STREET NUMBERING SYSTEM

§ 150.020 PURPOSE.

The purpose of this subchapter is to establish an organized street and numbering system to accommodate and facilitate the orderly growth of the Town of Chino Valley. Additionally, this system will promote public health, safety and welfare by providing an efficient method of identifying and locating various properties and structures within the town.

(2001 Code, § 7-9-1)

§ 150.021 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADDRESS PREFIX. A word preceding the street name and indicating a direction.

ADDRESS SUFFIX. A word following a street name, which indicates and shall include the designated quadrant, i.e. N.W., N.E., S.W. or S.E.

BLOCK INTERVAL. The hundred number interval between grid lines, or the point when the next higher hundred number is used.

BOULEVARD or PARKWAY. A major thoroughfare running in a diagonal direction, rather than east-west or north-south, connecting at least 2 sections, and acting as a collector, a special scenic or park drive or unusually wide thoroughfares in residential sections with shade trees or shrubbery in a center median strip.

CIRCLE. A short street that returns to itself.

COURT. A permanently closed street such as a cul-de-sac.

DRIVE. A winding thoroughfare that is diagonal, curvilinear or otherwise not aligned parallel to the gridlines that continue through to other rights-of-way.

GRID LINES. Imaginary lines constructed approximately perpendicular and parallel to meridian lines as defined in § 150.024. These lines indicate the point where block numbers change from one hundred to the next higher hundred. Grid lines divide each section into ten equal block intervals on both a north-south and east-west basis. Grid lines are used only for the assignment of street numbers, not necessarily for street layout purposes.

GROUP HOUSING. Physically separate housing units under individual or common ownership, owner occupied or leased and served by a private drive or easement. The term **GROUP HOUSING** includes mobile home parks.

HIGHWAY. A designated state or federal highway.

LANE. A reduced right-of-way branching from a court, place or way or a curving street of less than 1,000 feet or an uninterrupted street ending in a cul-de-sac.

LOOP. A short drive that begins and ends in the same street.

PLACE or **WAY.** A cul-de-sac running in any direction less than 1,000 feet in length.

PRIVATE DRIVE OR EASEMENT. A vehicular pathway not designated for general public use and through traffic, in private ownership and serving a few structures.

QUADRANT.

(1) A portion of the town that is divided by the following division lines:

- (a) North-south division line is Center Street.
- (b) East-west division line is U.S. Highway 89.

(2) The respective quadrant designations N.W., N.E., S.W. and S.E. shall be included in every street address.

ROAD. A thoroughfare that is frequently used as a secondary facility connecting to a U.S. or state primary highway.

STREET and **AVENUE.** A thoroughfare that runs north-south or east-west.

TRAIL or **PATH.** A local street serving as a collector for 1 or more local streets.

(2001 Code, § 7-9-2)

§ 150.022 GENERALLY.

(A) No certificate of occupancy shall be issued for any building unless the building shall first have affixed thereto address numbers as assigned in the building permit issued by the town.

(B) In all newly annexed areas, street addressing numbers shall be affixed to existing buildings in accordance with § 150.024(F) within 60 days of the effective date of the ordinance effecting the annexation.

(C) All new subdivisions shall be addressed in accordance with the provisions of this subchapter. No new subdivision plat shall be approved until all proposed lots have been assigned addresses approved by the Planning and Zoning Commission. Address numbers on new buildings in such subdivision shall be affixed in accordance with § 150.024(F).

(D) Private easements with 3 or more parcels or units that qualify for an address number may be included on the street map and assigned a street name and address number according to the provisions of this subchapter. However, inclusion of easements or other access paths on the street map neither promises nor implies any maintenance services or other responsibilities by the town.

(2001 Code, § 7-9-3)

§ 150.023 STREET NAMING.

(A) A map containing the street and address numbering system for areas inside the corporate limits of the Town of Chino Valley, 3 copies of which are on file and available for inspection in the office of the Clerk, is hereby referred to, adopted and made a part of this subchapter as if fully set out in this subchapter. All streets and roads within the town shall be named pursuant to this subchapter in accordance with those names shown on the map described herein.

(B) As far as possible, all streets presently named prior to the adoption of this subchapter shall retain the same names. The names of future streets may be assigned by the Zoning Commission from a list of western and local historic names kept on file when desirable.

(C) The following rules shall be followed in assigning future street names:

(1) *Duplication of names.* There shall be no duplication of street names in the town limits. Similar sounding names are considered to be duplication regardless of spelling. Duplication of street names within the City of Prescott shall be avoided, if possible.

(2) *Continuity of names.* A continuous street, or one proposed to be continuous, should bear the same name throughout, with the exception of the suffix, even though it changes directions. If it is interrupted and eventual connection is not probable, the segments shall bear different names.

(3) *Guidelines for acceptable names.*

(a) Names should be pleasant sounding, appropriate, easy to read and should add to pride of home ownership.

(b) Large subdivisions should use a single, significant category of names. A small subdivision should use the same category as the surrounding or adjacent area to help establish locational identity.

(c) Prefixes are to be avoided, if possible.

(d) Suffix terms, including designated quadrant, that may be utilized for future streets are listed and defined in § 150.021.

(D) *Street name change procedure.* Citizens may request street name changes according to the following procedures:

(1) Present to the Zoning Commission a petition stating the desired change, containing the signatures of 51% by number of the property owners affected by the change.

(2) The Zoning Commission shall formulate an ordinance implementing the change, and a recommendation on the change, to the Council.

(3) The Council may enact the change by adopting the ordinance.

(4) The following guidelines shall be considered when renaming streets:

(a) Does a street have any historical reason for having the name it has?

(b) Which street has the least number of houses on it and thus would require the least number of address changes?

(c) Which street has had its name for the longest period of time?

(d) Is the name appropriate according to the other street names in the neighborhood?

(e) Which street name is used for the longest distance or the most traveled section?

(2001 Code, § 7-9-4)

§ 150.024 ADDRESS NUMBERS.

(A) A "mile" shall be considered the distance between 2 consecutive section lines. There shall be available 1,000 address numbers per mile. Even digit numbers shall be used on the west and north sides of the streets, and odd digit numbers shall be used on the east and south sides of the streets.

(B) For the purpose of address numbering on east-west streets, address numbers shall increase linearly with distance from U.S. Highway 89, the division line to be the reference meridian with an address number of 0.

(C) For the purpose of address numbering on north-south streets, address numbers shall increase linearly with distance from Center Street, the division line to be designated the reference meridian with an address number of 0.

(D) Each structure of human occupancy or principal building on any building site to which all other uses on the site are subordinate shall have an assigned number. Other permanent structures with enclosed floor areas may have an assigned address number.

(E) The following rules shall be followed in assigning address numbers:

(1) The intersection of the grid lines should approximately and reasonably conform to the intersections of existing streets so that a traveler can observe a distinct change, for instance, from a 300 block to a 400 block. Where there is no intersection within a long block interval, said block interval shall be divided between 2 streets at a grid line. Numerical block interval changes at minor streets should be avoided where the grid does not indicate a new block.

(2) If a street changes direction drastically and for a substantial length, the numbering should be changed to reflect the orientation with a different meridian line.

(3) The address numbers on parallel streets shall be comparable except on loops and circles.

(4) The numbering shall allow for expansion to accommodate future growth in the area.

(5) Each location where business is conducted or mail is received shall have an address number.

(6) Address numbers shall be assigned to correspond with the predominant direction of the loop or circle. The address number assignment shall begin with the corner nearest the appropriate meridian line and continue around the loop in a regular manner with even numbers on the inside and odd numbers on the outside.

(7) The general principle to apply when numbering diagonal streets is to treat the street as either a north-south or an east-west street if it is not a perfect diagonal. If it is a perfect diagonal, an arbitrary decision is made to treat it as a north-south or an east-west street, maintaining consistency in neighboring areas.

(8) When assigning a number to a building on a corner lot, assign a number from the street upon which the front entrance faces. Dual addresses shall be avoided. If a corner building has two entrances which both look like front entrances, the decision is based on the general site layout. If the direction a corner structure is facing is indeterminate, consider the street from which the number should be most readily identified as the street upon which the structure faces.

(9) Apartments, rooms and offices contained within any structure or complex shall have an assigned address number based on an intersection point with a street. The owner of the structure or complex shall be responsible for assignment of appropriate numbers within the structure or complex.

(10) Separate numbers should be assigned to the entrances of a duplex house, for an upstairs apartment which has an outside entrance or for separate buildings in the rear of other buildings. If a commercial enterprise that is part of a residence has a separate entrance from the street, it may also be assigned a separate number. The owner of the duplex shall be responsible for the assignment of appropriate numbers to the buildings.

(11) Each mobile home park shall have an assigned address number based on an intersection point with a street which shall include appropriate space numbers for each space within the park. The mobile home park owner shall be responsible for the space numbering within the park.

(12) The same address number is assigned for all lots and units with primary access from a private drive or private easement based upon point of intersection with a public thoroughfare. All lots and units shall further be assigned a lot/space number as part of the address.

(13) Rear houses and buildings hidden but plainly subsidiary or auxiliary to a separate front unit and sharing the same vehicular entry shall be assigned the next number in sequence to the front or main structure.

(F) *Posting of designated address numbers.*

(1) The owner, occupant or person in charge of any house or building to which an address number and street name has been assigned will be notified in writing by the town of the number assigned to the same. Within 60 days after the receipt of such written notification from the Zoning Commission, the owner, occupant or person in charge of a house or building to which a number has been assigned shall affix the number in a conspicuous manner in a conspicuous place.

(2) It is the duty of the owner, occupant or person in charge thereof, upon affixing the new number, to remove any different number which might be mistaken for or confused with the number assigned to the structure by the Zoning Commission.

(3) Numerals indicating the official numbers for each principal building or each front entrance to the building shall be posted in a manner as to be legible and distinguishable from the street on which the property is located according to the following standards:

- (a) House numbers shall be large enough to be seen easily from the street.
- (b) House numbers shall be set on a background of a contrasting color.
- (c) When a house is some distance from a road or when view of the house is blocked by trees or shrubs, house numbers shall be on a sign attached to a tree, fence, gate or lawn stake.
- (d) On a corner lot, the house number shall face the street named in the address.
- (e) House numbers shall be easily visible at night.
- (f) House numbers shall be plain block numerals, not script or written numbers and a minimum 5 inches in height.

(4) Mobile home parks and other group housing served by private drives or easements are assigned an address number based on the intersection point on a street, and the point shall be posted with numerals giving that address number and the range of lot numbers served by the easement. Additionally, the structure on the easement having an address number shall post the designation "Lot _____" according hereto.

(2001 Code, § 7-9-5)

RIGHTS-OF-WAY AND GRADING PERMITS

§ 150.040 PURPOSE.

(A) The purpose of this subchapter is to accommodate installation and placement of objects within town rights-of-way while providing for the public health, safety and general welfare and protecting the natural environment. The intent is to provide for public safety, improve traffic flow on streets and roads, and assure that such rights-of-way are free of physical obstructions. This is accomplished by establishing construction standards, based on sound engineering principles, to protect the physical integrity of streets, roads and other rights-of-way as defined in § 150.043, and their associated drainage systems.

(B) All work authorized and performed in public rights-of-way shall be in accordance with the provisions of this subchapter but shall not be construed to prevent the enforcement of other laws which, prescribe more restrictive limitations, nor shall the provisions of this subchapter be presumed to waive any limitations imposed by other statutes or ordinances.

(2001 Code, § 7-10-1)

§ 150.041 SCOPE.

This subchapter sets forth rules to regulate and control all construction and maintenance performed within a right-of-way, which, has been dedicated and declared by the town to be public. Public rights-of-way grading permit shall include, but not be limited to, streets, roads, alleys and ways, highways, sidewalks, bridges and public places. It establishes the administrative procedures for issuance of permits and provides for approval of plans and specifications and inspection of the construction. The rules shall pertain to, but shall not be limited to, persons, organizations, public service utilities and franchise grantees. The rules shall apply to construction and maintenance upon, over, along, across and under present and future public rights-of-way.

(2001 Code, § 7-10-2)

§ 150.042 ADOPTION OF PERMIT APPLICATION FORM.

The form entitled "application for permit to construct or maintain on town grading and rights-of-way" is hereby adopted into this subchapter.

(2001 Code, § 7-10-3)

§ 150.043 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CONTRACTOR. The applicant or contractor hired by the applicant.

CONTRACTING AGENCY. The applicant.

ENGINEER. Unless otherwise specified, shall mean the applicant's engineer.

ENGINEERING and ENGINEERING PRACTICE. The practice of engineering, as defined in A.R.S. § 32-101.

GENERAL PERMIT. The permit to construct or maintain on town utilities holding franchises with the Town of Chino Valley.

MAG. Maricopa Association of Governments and refers to public works standards published by that organization.

OPTIMUM MOISTURE. The water content corresponding to the maximum soil density, as defined by A.S.M.D.-698 or A.S.S.H.T.O. T-99 density curve obtained from laboratory compaction test trials.

OWNER. That party, holding title to property placed within the town rights-of-way.

PERMIT. The permit to construct or maintain on town rights-of-way authorized by the Town Engineer.

PERMITTEE. The grantee of a permit by the Town Engineer.

PRE-CONSTRUCTION AND MAINTENANCE CONFERENCE. A meeting pursuant to § 150.046(C)(5).

PROJECT PERMIT. The permit to construct or maintain on town rights-of-way issued to applicants for specific construction or maintenance projects.

PROJECT PERMIT AMENDMENT. A modification by the Town Engineer of the time extension requirement of the permit pursuant to § 150.047(C), and any modification allowed by this subchapter.

RIGHTS-OF-WAY. Streets, roads, alleys, ways, highways, sidewalks, bridges, utility easements, structures, grounds and places which have been dedicated to and declared by the town to be public and permits are not limited to public rights-of-ways.

SOLID ROCK. Material which results in refusal during excavation by a backhoe with a 1-foot bucket of 55 horsepower or greater.

STREET PAD. Any rubber or metal device of sufficient strength, thickness and area to protect paved surfaces from damage or deformation.

TRAFFIC CONTROL PLAN. A plan pursuant to § 150.046(C)(7), the details of which shall be specified by the Town Engineer.

UTILITIES. Any person or business providing service to the public through the use of lines, pipes or other distribution systems.

(2001 Code, § 7-10-4)

§ 150.044 ENFORCEMENT.

The official charged with the enforcement of this subchapter shall be the Town Engineer.

(2001 Code, § 7-10-5)

§ 150.045 APPEALS.

Appeals from the decision of the Town Engineer in the interpretation of this subchapter may be taken by filing an appeal with the Town Clerk within 10 days of the decision. A copy of the appeal shall be provided to the Town Engineer. The Town Council shall agendaize the appeal for the next regular or special meeting, hear arguments and decide the matter. The decision shall be final.

(2001 Code, § 7-10-6)

§ 150.046 PERMIT REQUIREMENTS; CLASSES OF PERMIT.

(A) *Compliance.* No person, organization, public service utility or franchise grantee shall be issued a permit for construction and maintenance upon, over, along, across and under present and future public rights-of-way without first having complied with § 150.47(B) or (C) as applicable.

(B) *Classes of permit.* There shall be 2 classes of permit.

(1) *General permit.* Public service utilities and franchise grantees may be issued a general permit by the Town Engineer. This permit authorizes the permittee to perform each of the following types of work on a repetitive basis.

(a) *Above ground.*

1. Any appurtenance located not less than 10 feet from the edge of the traveled way. NOTE: Gas meters must meet the additional requirement of being located within 1 foot of the right-of-way property line.

2. Appurtenances other than gas facilities located less than 10 feet from the edge of the traveled way not protruding more than 2 inches above the surface.

3. Emergency work as necessary to protect health, safety and welfare of the public.

(b) *Below ground.*

1. Emergency work as necessary to protect health, safety and welfare of the public.

2. Work done in providing Blue Stake locations of utility lines or appurtenance.

(2) *General permit performance criteria.*

(a) All construction shall comply with standards established in this subchapter.

(b) Each installation shall be reported by the permittee on the Monthly Summary of Utility Rights-of-Way Work form, as in Exhibit "E", provided by the Town Engineer.

(c) The Town Engineer may request compaction testing to verify compliance with this subchapter.

(d) *Timeliness.*

1. All construction and maintenance shall be accomplished at such time and in such manner as to be least inconvenient to the traveling public.

2. All work shall be performed between the hours of 7:00 a.m. and 6:00 p.m. Monday through Saturday. This shall not apply to emergency work. Work in progress may be allowed to continue until the time specified by the Town Engineer.

(e) The permittee shall be responsible and liable for replacing and restoring the disturbed rights-of-way; including but not limited to the paving, sidewalk, driveway, surfacing, planting and ground cover; in as good condition as it was prior to disturbance. The permittee shall not be responsible for replacing and restoring improvements that have been disturbed in the rights-of-way, if these improvements constitute a hazard in the rights-of-way, and the permittee has applied for and received approval from the Town Engineer not to replace or restore the improvements.

(f) Work not specified by the General Permit may be authorized under the project permit.

(3) *Project permit.* Persons, organizations, public service utilities and franchise grantees, which apply for construction and maintenance projects not specified by a general permit, may be issued a project permit by the Town Engineer.

(C) *Conditions for issuance of a project permit.* A project permit may be issued by the Town Engineer provided the applicant signs the permit application agreeing to all of the following terms and conditions pertaining to the permit; plus any additional conditions specified by the Town Engineer in the project permit.

(1) *Appurtenances.* The exact location of the appurtenance relative to the right-of-way boundary shall be submitted with the application for a project permit.

(a) No valves, closures, transformers, standing pipes, poles and the like will be allowed in any surface drainage ditch that requires maintenance.

(b) All utilities will be placed in utility easements as close to right-of-way lines as feasible.

(2) *Lines under pavement.* All service lines located below pavement shall be not less than 30 inches below the pavement surface at any point under the pavement, unless connecting to existing lines that are less than 30 inches below pavement. In such cases, lines shall be no higher than the existing lines. Lines located below pavement in solid rock, as defined in § 150.043, shall be not less than 24 inches below the pavement surface at any point under the pavement, unless connecting to existing lines that are less than 24 inches below pavement. In such cases, lines shall be no higher than the existing lines. Lines out of pavement must be 30 inches below the surface for maintenance purposes.

(3) *Liability.*

(a) The permittee shall be responsible and liable for any disturbance, injury or damage to all rights-of-way, including but not limited to surfacing, planting and ground cover and to utility property below, in and above the same rights-of-way.

(b) The permittee shall be responsible and liable for replacing and restoring the disturbed rights-of-way; including but not limited to the paving, sidewalk, driveway, surfacing, planting and ground cover; in as good condition as it was prior to disturbance. The permittee shall specify the details of all replacement work, including any deviations from the existing condition. The permittee shall not be responsible for replacing or restoring improvements that constitute a significant impediment to the maintenance of the roadway or appurtenances or that constitute a hazard in the right-of-way; and the permittee has applied for and received approval from the Town Engineer not to replace or repair.

(c) The permittee shall be responsible and liable for, and shall hold the town harmless from: any injury or damage to any person, animal or vehicle, which may be using the rights-of-way in a lawful manner, caused by or arising out of the exercise of the permit. The permittee shall be responsible and liable for all maintenance work on any property to which he has title and possession after the construction time limit has expired.

(d) The permittee shall be responsible and liable for, and shall hold the town harmless from allowing any condition to exist, which may be a hazard or source of danger to the public.

(e) A certificate of insurance shall be submitted with the permit application. When the total cost of furnishing equipment, labor and materials exceeds \$1,500. This certificate shall verify Comprehensive General Liability coverage of not less than \$1,000,000 per occurrence and \$2,000,000 aggregate, and shall name the town as additional named insured. Utility companies may choose to submit a certificate of insurance upon application for a general permit. This coverage shall be in force for a period of 1 year from the date of issuance of the general permit.

(f) Applications for work that is to be performed by licensed contractors shall include verification of licensing as required by the state's Registrar of Contractors. The Town Engineer may require additional insurance, performance bonds or other bonding for large projects.

(4) *Cost; expense.* Unless otherwise agreed, the town shall not bear any cost or expense for construction and maintenance.

(5) *Pre-construction and maintenance conference.* The Town Engineer may require the applicant to attend a pre-construction and maintenance conference.

(6) *Timeliness.*

(a) All construction and maintenance shall be accomplished at such time and in such manner as to be least inconvenient to the traveling public.

(b) All work shall be performed between the hours of 7:00 a.m. and 6:00 p.m. Monday through Saturday. Work in progress may be allowed to continue until the time specified by the Town Engineer provided:

(c) The provisions of § 150.046(C)(6) shall not apply to emergency work.

(7) *Traffic and traffic control.*

(a) Traffic adjacent to and within the construction area shall be controlled in accordance with the "Manual of Uniform Traffic Control Devices" (MUTCD). The Town Engineer may require signs, flaggers, pilot cars and other devices and methods. A control plan shall be submitted with the application before the permit is issued.

(b) The permittee shall give notification to the Town Engineer no less than 2 working days before work is to begin or before work is to re-commence after stoppage.

(c) The permittee shall not partially or fully block rights-of-way to pedestrian or vehicular traffic under any circumstances

without a valid permit. Whenever possible, 1-way traffic shall be maintained. In no case shall blockage of emergency vehicle access be permitted. Notification shall be given to the Chief of Police and the Chino Valley Fire Department.

(d) If flaggers are needed to control traffic, Flaggers will be certified or show proof of having training on the correct flagging procedures, as set forth in the (Manual of Uniform Traffic Control Devices) M.U.T.C.D.

(e) When flagging, flaggers will use a stop and slow paddle or in the case of emergencies a red 24 inches by 24 inches flag until a stop and slow paddle can be obtained.

(8) *Notification to the Town Engineer.*

(a) The Town Engineer shall be notified after any trench or excavation has been backfilled, but before placement of any pavement courses;

(b) After placement of final pavement course; and

(c) After completion of all work.

(9) *Routine and final inspections.*

(a) The Town Engineer may routinely inspect work authorized by the permit at any time.

(b) The Town Engineer shall perform a final inspection of all work authorized by the permit.

(c) Following final inspection of all work authorized by the permit, the Town Engineer shall determine if the completed work conforms with the permitted work.

(d) In addition, the Town Engineer may request compaction testing be performed at the expense of the contractor to verify compliance with this subchapter.

(10) *Actions resulting from non-compliance.*

(a) The Town Engineer shall notify the permittee in writing that work is not in compliance.

(b) If the permittee does not correct such deficiencies within the time specified by the Town Engineer the Town Engineer shall immediately proceed to correct the deficiencies and collect all costs from the permittee plus 28% administration fees.

(c) Additional penalties may apply, pursuant to this subchapter.

(11) *Cancellation of permit.* The Town Engineer may immediately cancel and thereby revoke the rights provided by either a general permit or a project permit if he or she determines that, during the life of the permit, the permittee is conducting the work permitted in a manner so as to endanger the public or themselves or if the work is not proceeding acceptable to the Town Engineer.

(12) *Removal and abandonment of facilities within the right-of-way.*

(a) The Town Engineer may, upon written notice, require the permittee to remove or abandon in place as specified by the Town Engineer, all property to which the permittee has title or which has been rented or leased by the permittee, if the right-of-way is needed by the town.

(b) Whenever a permit is canceled by the Town Engineer, the permittee shall be responsible and liable for replacing and restoring the disturbed rights-of-way; including but not limited to the paving, sidewalk, driveway surfacing, planting and ground cover; in as good condition as it was prior to disturbance, pursuant to § 150.046(C)(3)(b).

(2001 Code, § 7-10-7)

§ 150.047 LIFE OF PERMIT.

(A) *General permit.* The Town Engineer shall determine the life of the general permit, but it shall not exceed 1 year, as stated in the permit. The Town Engineer may revoke this permit at any time based on unsatisfactory performance.

(B) *Project permit.* Each project permit shall be in full force and effect for 30 days from the date of issue, unless otherwise stated in the permit.

(C) *Time limits.* The Town Engineer may determine that a specific project may require more than 30 days for completion and may

permit such time as deemed necessary for completion. He or she may determine the necessity for a time extension during the life of the project permit, and thereby amend the permit.

(D) *Time for excavation, backfilling and compaction of trenches across rights-of-way.* The Town Engineer shall determine time for excavation, backfilling and compaction across rights-of-way

(2001 Code, § 7-10-8)

§ 150.048 DENIAL OF PERMIT.

The Town Engineer shall deny a project permit if he determines the proposed work will adversely affect the integrity of public rights-of-way or impair public safety. Applicants may appeal any such decisions pursuant to § 150.045.

(2001 Code, § 7-10-9)

§ 150.049 FEES.

(A) (1) At the issuance of a permit, the Town Engineer shall collect the permit fees set forth by resolution from time to time. The fees shall be paid in lawful money of the United States or by collectable draft or check. Should the draft or check be uncollectible within 15 days, the permit shall be null and void.

(2) (a) Inspection fees shall be waived for utilities holding a general permit.

(b) Inspection fees for 1 inspection are included in the project permit fees.

(B) Other charges:

Special fees	At the issuance of a permit, the Town Engineer shall collect the special fees set forth in the Town of Chino Valley Ord. 411 Other Engineering Services. Special fees will be withheld for Utilities that have Franchise agreements with the Town of Chino Valley.
Samples and testing of materials	The permittee shall be responsible to insure that, when so required by the permit, he or she shall employ an independent testing laboratory to test all physical materials, at his cost, pursuant to § 106.2 of MAG specifications.
Use of explosives	The permittee shall be responsible to insure that a permit for blasting is obtained from the Chino Valley Fire Department and the Town Engineer.
Preservation of property	The permittee shall be responsible to insure that existing landscaping shall be preserved and special care given to protect trees and large shrubbery, in accordance with § 150.046(C)(3)(b). The permittee shall also be responsible to insure that property protection shall be in accordance with MAG § 201.2.

Backfilling and compacting shall be an approved 1-sack slurry concrete mix from the bottom of pavement to 6 inches above pipe.

All pipes and lines shall be located pursuant to § 150.050(E)(1).

Weather and moisture condition limitations for asphaltic concrete.

Asphalt concrete shall be deposited only when the sub grade surface is dry, and when the ambient temperature in the shade is sixty- (60) degrees Fahrenheit and is rising.

All pavement and concrete repair shall be approved by the Town Engineer.

Variances may be granted by the Town Engineer in accordance with acceptable engineering standards and practices.

Traffic control measures	Traffic control measures shall be in accordance with specifications in the M.U.T.C.D. Devices and measures to adequately control vehicular and pedestrian traffic adjacent to and within the construction area shall be provided and maintained.
--------------------------	--

(2001 Code, § 7-10-10)

§ 150.050 ADDITIONAL STIPULATIONS.

- (A) *Soil boring priority.* Soil boring shall be required on all roads unless the Town Engineer gives a variance.
- (B) *Samples for testing.* When the permit does not require materials testing, the Town Engineer may request and obtain materials samples in suitable quantities from the permittee for testing to determine compliance with specifications. The town shall charge the costs to the permittee.
- (C) *Site conditions.* The permittee shall conduct the project to conform with the following stipulations:
 - (1) Rubber-tired equipment shall be operated on paved surfaces except that, when street pads, as defined in § 150.043, are employed to protect asphalt surfaces, the following shall apply:
 - (a) Crawler equipment with street pads may be utilized with written permission of the Town Engineer.
 - (b) Backhoes and similar equipment with pods shall utilize street pads as defined in § 150.043.
 - (2) Site shall be maintained during the life of the permit in a clean and orderly condition.
 - (3) Trenches across roadways shall be bridged by suitable plate, approved by the Town Engineer, whenever work is stopped overnight.
 - (4) All signs temporarily moved shall be reinstalled and all signs damaged during construction shall be replaced. Arrangements may be made with the Town Engineer to have these replaced and the costs charged to the permittee by the town.
 - (5) Prior to final inspection by the Town Engineer, the permittee shall clear pavement surfaces, dress shoulders, clean surfaces; and remove debris, garbage, unused native and manufactured materials and similar objects, which are not an integral part of the rights-of-way; to the satisfaction of the Town Engineer.
- (D) *Road closures.* All trenches shall be closed at the end of each workday.
- (E) *Compliance.* The Town Engineer in compliance with good engineering practice may waive portions of these requirements on a case-by-case basis.

(2001 Code, § 7-10-11)

ROADWAY STANDARDS

§ 150.065 COMPLIANCE WITH CODE.

Any person, contractor, firm, utility company or other entity involved in the design or construction of roads or streets within the town shall comply with standards set forth herein. Further, and in addition thereto, the standards and requirements of this subchapter shall be complied with.

(2001 Code, § 7-11-1)

§ 150.066 RIGHTS-OF-WAY.

(A) The minimum widths of rights-of-way for roadways within the town shall be as follows:

- (1) *Arterial roads.* Rights-of-way for arterial roads shall be 100 feet wide.
- (2) *Residential collectors.* Rights-of-way for residential collectors shall be 68 feet wide.
- (3) *Residential streets.* Rights-of-way for residential streets shall be 50 feet wide.

(B) Lands for rights-of-way shall be deeded to the town and recorded prior to any construction being accomplished.

(2001 Code, § 7-11-2)

§ 150.067 CONSTRUCTION REQUIREMENTS.

(A) Prior to construction of any base or subbase, the subbase shall be scarified and compacted to a minimum depth of 6 inches. Compaction shall be a minimum of 95% density.

(B) Base course shall consist of a minimum depth of 6 inches of Aggregate Base Course (ABC) or Mineral Aggregate (MA) compacted to a minimum of 95% density. The ABC or MA shall be shaped to the width and cross slope of the approved typical section. Placement of any select material and minimum depth requirements shall be approved by the Road Department. The ABC shall meet the following gradation specifications:

GRADATION SPECIFICATIONS			
	Percentage by Weight Passing Sieve		
Sieve Sizes (Square Openings)	Select Material		Aggregate Base
	Type A	Type B	
3 inches	100		
1-1/2 inches		100	
1-1/8 inches			100
No. 4	30-75	30-70	38-65
No. 8	20-60	20-60	20-60
No. 30	10-40	10-40	10-40
No. 200	0-12	0-12	3-12

(C) All materials in the subbase or base course shall be placed using moisture and density control in accordance with good engineering practice and approval by the Road Department. Prior to the acceptance of roads for maintenance by the town, the contractor shall provide the town with engineering certifications of materials used and density testing.

(D) A dust free surface consisting of tack or prime coat penetrant asphalt and at least a single coarse bituminous surface treatment shall be provided. The Road Department shall have the authority to approve or disapprove the design of the dust free surface and structural section (base/subbase).

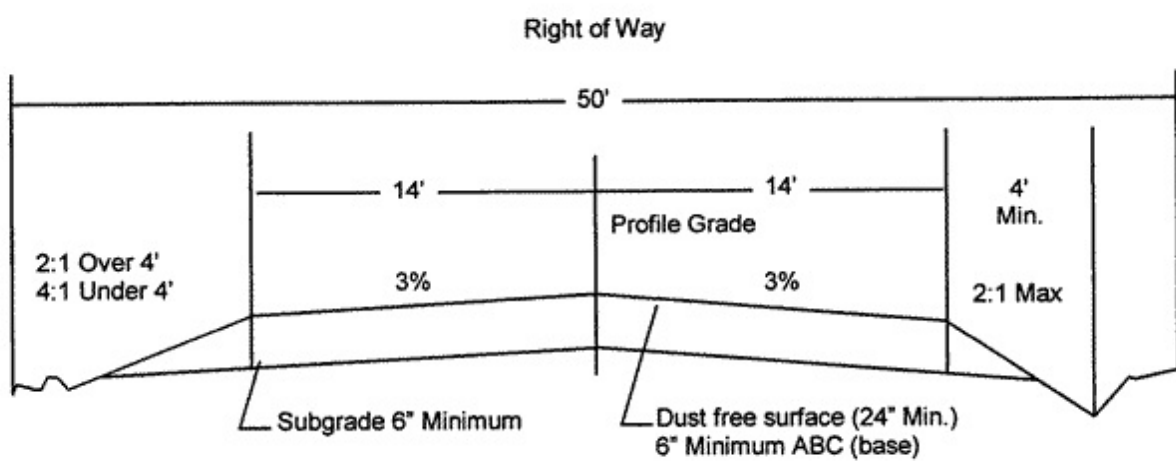
(E) (1) Engineering calculations shall be submitted for all drainage required such as but not limited to:

- (a) Natural watercourses;
- (b) Subgrade;
- (c) Side ditches;
- (d) Surface runoff; and
- (e) Culvert sizes.

(2) Minimum cross culverts shall be 18 inches diameter. Minimum driveway culverts shall be 12 inches diameter.

(F) All computations and certifications required shall be performed and sealed by an engineer licensed to practice by the Arizona State Board of Technical Registration.

(G) (1) The typical section minimum roadway for residential and collector streets shall be:



(2) Notes:

- (a) ABC material shall be compacted to 95% density.
- (b) All driveways shall have minimum 12 inches C.M.P. where roadway ditch evidenced.
- (c) Maximum grade within 100 feet from intersection = 4%.
- (d) Cross culverts for existing water courses shall be 18 inches minimum. Culvert size calculations shall be required.
- (e) Structural section to be determined by good engineering practice.

(2001 Code, § 7-11-3)

§ 150.080 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DEVELOPER. The individual, firm, corporation, partnership, association, syndication, trust or other legal entity (other than the serving utility) that is responsible for the development of land thereby creating a demand for service or causes alteration of existing services.

DISTRIBUTION FEEDER. That portion of the distribution system feeding from a distribution substation to a specific load area and having a capacity of over 3 MVA and less than 12.5 KV.

EXISTING UTILITY POLES AND WIRES. The poles and wires and other related facilities that are in place and in operation as of the effective date of this subchapter and including repairs, replacements, additions, enlargements or betterments, changes, improvements hereinafter made to maintain or increase service capabilities of existing utility poles, wires, service drops and other facilities, but it does not include extensions made to existing distribution lines.

TRANSMISSION LINE. An electric line used for the bulk transmission of electricity between generating or receiving points and major substations or delivery points, having a rating greater than 12,500 volts.

NEW UTILITY POLES AND WIRES. Poles and structures, wires, cables, transformers and other related facilities used in or as a part of the distribution or transmission of electricity or in the transmission of telephone, telegraph, radio or television communications that are not in place as of the effective date of this subchapter and constituting new extensions made from existing poles and wires.

UNDERGROUND POLICY. The then current policy governing payment of the cost of undergrounding distribution feeders and service facilities as established by the serving utility.

(2001 Code, § 7-12-1)

§ 150.081 UNDERGROUND UTILITY LINES.

Except as exempted in § 150.082, all existing and new utility and telephone lines, electric utility distribution lines, cable television lines and all other communication and utility lines adjacent to or within new residential, commercial or industrial subdivisions or other areas to be developed within the town shall be installed underground at the time of development of the property as part of the required off-site and on-site improvements. The developer of the property shall be responsible for the costs of the underground construction in accordance with the underground policy of the serving utility.

(2001 Code, § 7-12-2)

§ 150.082 EXCEPTIONS.

The following construction may occur without meeting the underground installation requirements:

- (A) Transmission lines and betterment to existing utilities together with related switch yards, substations and related equipment;
- (B) Repair or improvement of existing utility poles and wires by the serving utility, provided that activity is not initiated on request of or by a developer;
- (C) Installation of new utility poles and wires or relocation of existing utility poles and wires not initiated by a developer;
- (D) Pad-mounted transformers or pull boxes, service terminals, pedestal type telephone terminals, telephone splice closures or similar on-the-ground facilities attached to existing overhead facilities which are used for the purpose of connecting an underground system with the existing facilities;
- (E) Temporary service facilities, such as facilities to furnish emergency service during an outage, facilities to provide service to construction sites or other service of a limited duration, such as to a fair, carnival, outdoor exhibit or function where the facilities will be installed for a temporary period only; and
- (F) New service drops or improvement of existing service drops from existing overhead lines to single family residential customers, except when underground service is required by the Town of Chino Valley subdivision regulations.

(2001 Code, § 7-12-3)

§ 150.083 TOWN PARTICIPATION AS DEVELOPER.

In the event of relocation, improvement or repair of existing utility poles and wires or installation of new utility poles and wires by the serving utility, the town may elect to act as a developer and participate in the cost of underground installation in accordance with the underground installation policy of the utility. Prior to commencing any relocation, improvement or installation work within the town, the serving utility shall notify the Town Engineer of the pending action. Within 30 days of receipt of notification, the town will determine its intent to act as developer and notify the utility of the decision.

(2001 Code, § 7-12-4)

§ 150.084 WAIVER OF UNDERGROUND INSTALLATION REQUIREMENTS.

(A) The Town Council, upon petition by a developer, may waive or modify the requirements for underground installation of existing or new utility lines based on the findings that the strict enforcement of this section would constitute an undue hardship on the developer and the minimal benefits would accrue to the town.

(B) The Council's decision shall include but not be limited to review and analysis of the following factors:

- (1) The extent of existing overhead lines and poles in the immediate area of the project;
- (2) The location and heights of the poles and wires and their relation to present or future roads;
- (3) The crossing of such lines over much-traveled highways or streets;
- (4) The proximity of such lines to schools, churches, commercial areas or other places where people congregate;
- (5) The aesthetic appearance of that portion of the town should the lines be installed overhead instead of underground;
- (6) The impact on future development expected in the area; and

(7) The practicality and feasibility of underground installation with due regard for the comparative costs between underground and overhead installations; however, a mere showing that an underground installation is more costly than overhead shall not be the sole criteria for granting a waiver.

(2001 Code, § 7-12-5)

MALBOXES

§ 150.100 GENERAL.

(A) A mailbox or newspaper delivery box, hereafter referred to as mailbox, shall not be allowed to exist on the town's right-of-way if it interferes with the safety of the traveling public or the function, maintenance or operation of the street, road or highway system.

(B) The location and construction of the mailboxes shall conform to the rules and regulations of the U.S. Postal Service as well as to standards established in this code.

(C) A mailbox installation that conforms to the criteria in this subchapter shall be acceptable unless the Town Engineer determines that it interferes with the safety of the traveling public or the function, maintenance or operation of the street, road or highway system.

(D) Prior to installing a mailbox in the town right-of-way, the property owner (or his or her agent) shall make a written application to the Town Engineer. Written permission from the town is required prior to installation of the mailbox.

(E) Where discretionary action is permitted by the postmaster for location or construction of a mailbox, the property owner (or his or her agent) shall make application to the postmaster. Written permission from the postmaster is required prior to installation of the mailbox.

(2001 Code, § 7-13-1)

§ 150.101 LOCATION.

(A) *Access.* A mailbox shall not be permitted where access is obtained from the lanes of Highway 89 or where access is otherwise prohibited by law or regulations.

(B) *Placement.* A mailbox shall be placed on the right-hand side of the roadway, in the direction of the delivery route, except on 1-way streets where they may be placed on the left-hand side. The bottom of the mailbox shall be set at an elevation established by the U.S. Postal Service, generally between 36 inches and 4 feet above the roadway surface.

(C) *Normal offset.* The roadside face of the mailbox shall be offset from the edge of the traveled way a minimum distance of the greater 1 of the following:

- (1) Eight feet where no paved shoulder exists.
- (2) The width of the all-weather shoulder present plus 8 to 12 inches.
- (3) The width of an all-weather turnout as specified by the Town Engineer, plus 8 to 12 inches.

(D) *Offset on curbed streets.* The roadside face of the mailbox shall be set back to a distance of between 6 and 12 inches.

(E) *Driveway entrance.* Mailboxes at driveway entrances shall be placed on the near side of the driveway in the direction of the delivery route.

(F) *Intersecting street or road.* When a mailbox is located at an intersection, it shall be placed a minimum distance of 100 feet beyond the center of the intersecting street in any direction of the delivery route. When the average daily traffic on the intersecting street exceeds 400 vehicles per day, the distance shall be 200 feet.

(G) *Guardrail.* Where a mailbox is to be installed in the vicinity of an existing guardrail, it shall be placed behind the guardrail unless application is made and written permission received from the Town Engineer as specified in § 150.100.

(2001 Code, § 7-13-2)

§ 150.102 SIZES.

The following sizes of mailboxes as authorized by the U.S. Postal Service shall be installed in the town.

- (A) 19-inch length - 6.5-inch width - 8.5-inch height.
- (B) 21-inch length - 8.8-inch width - 10.5-inch height.
- (C) 23.5-inch length - 11.5-inch width - 13.5-inch height.

(2001 Code, § 7-13-3)

§ 150.103 STRUCTURES.

(A) *Materials.* Mailboxes shall be of light sheet metal, fiberglass or plastic construction and conform to the requirements of the U.S. Postal Service. Newspaper delivery boxes shall be of light sheet metal or plastic construction and of minimum dimensions suitable for holding a newspaper.

(B) *Support.*

(1) *Number of boxes.* No more than 2 mailboxes shall be mounted on a support structure unless the support structure and mailbox arrangement have been shown to be safe by crash testing as conducted by the Federal Highway Administration or the Arizona Department of Transportation. Lightweight newspaper delivery boxes may be mounted below the mailbox on the side of the mailbox support.

(2) *Concrete foundation.* Mailbox supports shall be placed in native soil or in crushed aggregate base materials whenever these

materials provide adequate support. Mailbox supports shall not be placed in concrete unless necessary for support. Mailbox supports shall not be set in concrete placed at depth any greater than 12 inches.

(3) *Post.* A single 4 inch by 4-1/2 inch diameter wooden post or metal post with a strength no greater than 2 inch diameter standard strength steel pipe, and embedded no more than 24 inches into the ground shall be acceptable as a mailbox support. A metal post shall not be fitted with an anchor plate, but it may have an anti-twist device that extends no greater than 10 inches below the ground surface.

(4) *Attachment.* The post-to-mailbox attachment details shall be of sufficient strength to prevent the mailbox from separating from the post top if the installation is struck by a vehicle. The minimum spacing between the centers of the support posts shall be 3/4 of the height of the post above the ground line.

(2001 Code, § 7-13-4)

§ 150.104 SHOULDER AND PARKING AREA CONSTRUCTION.

It shall be the responsibility of the postal patron to inform the Town Engineer of any new or existing mailbox installation where shoulder construction of the town maintained street is inadequate to allow all- weather vehicular access to the mailbox.

(2001 Code, § 7-13-5)

§ 150.105 REMOVAL OF NONCONFORMING OR UNSAFE MAILBOXES.

Any mailbox that is found to violate the public safety intent of this subchapter shall be declared unacceptable and removed by the postal patron upon notification by the Town Engineer. At the discretion of the Town Engineer, based on an assessment of hazard to the public, the postal patron shall be granted not less than 24 hours, nor more than 30 days, to remove an unacceptable mailbox. After the specified removal period has expired, the unacceptable mailbox shall be removed by the town at the postal patron's expense.

(2001 Code, § 7-13-6)

CHAPTER 151: DEVELOPMENT IMPACT FEES

Section

- 151.01 Purpose and intent
- 151.02 Definitions
- 151.03 Additional provisions
- 151.04 Appropriation of development fee funds, refunds, appeals, exemptions and waivers
- 151.05 Fees adopted by reference
- 151.06 Delayed effective date
- 151.07 Adjustment
- 151.08 Automatic annual adjustment

§ 151.01 PURPOSE AND INTENT.

The purposes and intent of these development fee procedures are:

(A) To establish uniform procedures for the position, calculation, collection, expenditure and administration of development fees imposed on new development;

(B) To implement the goals, objectives and policies of the Chino Valley General Plan relating to assuring that new development contributes its fair share towards the costs of public facilities reasonably necessitated by the new development;

(C) To ensure that new development is reasonably benefitted by the provisions of the public facilities provided with proceeds of development fees;

(D) To ensure that all applicable legal standards and criteria are properly incorporated in these procedures;

(E) To ensure that all applicable procedures and requirements of A.R.S. § 9-463.05 have been met.

(2001 Code, Art. 16-1) (Am. Ord. 04-588, passed 12-9-2004)

§ 151.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPLICANT. Any person who files an application with the town for a building permit.

BUILDING PERMIT. A permit required for the erection, construction, modification, addition to or moving of any building, structure or use in the incorporated area of the town.

DEDICATION. Conveyance of land to the town for public facility purposes by deed, other instrument of conveyance, or by dedication, on a duly filed and recorded plat or short plat.

DEVELOPMENT FEES. A fee adopted pursuant to A.R.S. § 9-463.05 which is imposed on new development on a pro rata basis in connection with and as a condition of the issuance of a building permit and which is calculated to defray all or a portion of the costs of the public facilities required to accommodate new development at town-designated level of service (LOS) standards and which reasonably benefits the new project.

DEVELOPMENT FEE ACCOUNTS. The account(s) established for each type of public facilities for which impact fees are collected. The accounts shall be established pursuant to A.R.S. § 9-463.05.

DEVELOPMENT FEE DISTRICT. A defined geographic area or sub-area of the town and/or its planning area within which particular public facilities are provided and in which development fees will be collected, appropriated and expended for public facilities serving new development within such area or sub-area.

DEVELOPMENT FEE APPROPRIATION. Includes amounts appropriated in connection with the planning, design, engineering and construction of public facilities; planning, legal, appraisal and other costs related to the acquisition of land, financing and development costs; the costs of compliance with purchasing procedures and applicable administrative and legal requirements; and all other costs necessarily incident to provision of the public facility.

DWELLING UNITS. A room or group of rooms within a building containing cooking accommodations and designed to be used for living purposes. Each apartment unit, mobile home or mobile home space, or travel trailer or travel trailer space shall be considered a dwelling unit.

(1) **SINGLE-FAMILY DETACHED DWELLING UNIT.** A dwelling unit designed and used only by 1 family and which unit is physically separated from any other dwelling unit.

(2) **MOBILE HOME DWELLING UNIT.** A dwelling unit typically designed and used only by 1 family, which may be pre-manufactured and delivered to a building site for connection to utilities. This dwelling unit may include travel trailer units as well.

(3) **MULTI-FAMILY DWELLING UNIT.** A dwelling unit typically attached to another dwelling unit, such as an apartment, duplex, townhouse, single-family attached dwelling unit or mobile home dwelling unit located within a mobile home park.

(4) **ALL OTHER DWELLING UNITS.** A dwelling unit not described in divisions (1) through (3) above.

EXISTING USE. Development which physically exists or for which the owner holds a valid building permit as of the effective date of this chapter.

GENERAL PLAN. A generalized coordinated land use policy statement adopted by the Council and ratified by voters of the town pursuant to A.R.S. § 9-461.05.

GOVERNMENT IMPACT FEES. A fee imposed on all new residential and nonresidential development to fund the proportionate share of the costs of municipal office space, town owned and operated vehicles and major capital equipment.

LEVEL OF SERVICE (LOS). An established minimum functional level of public facilities that must be provided per unit of demand or other appropriate measure of need.

LIBRARY IMPACT FEES. A fee imposed on new residential and nonresidential development to fund the proportionate share of the costs of land acquisition for libraries; library facilities, including construction, furniture, fixtures, equipment and technology; and collection materials including, but not limited to books, reference materials, audio and visual materials, periodicals and others.

NEW DEVELOPMENT. Any construction or expansion of a building or structure, or any changes in the use of the land that creates additional demand for public facilities or services (such as a change which results in an increase in the number of vehicle trips to and from the property, building or structure), and requires a development permit from the town.

PARKS AND RECREATION IMPACT FEES. A fee imposed on new residential and nonresidential development to fund the proportionate share of the costs of community parks; open space, including, but not necessarily limited to, open space lands, agricultural land preservation, purchase of land, development rights and/or construction easements and trails; and recreation facilities and improvements.

POLICE IMPACT FEES. A fee imposed on all new residential and nonresidential development to fund the proportionate share of the costs of public safety buildings and facilities, communication systems, vehicles and major capital equipment.

PUBLIC FACILITIES OR SERVICE. Public improvements, facilities or services necessitated by new development, including, but not limited to, water resources, transportation, police facilities, public works, fire and emergency medical services, community facilities, municipal facilities, water facilities, sewer facilities, flood control and drainage, solid waste disposal, open space, parks, utilities and educational facilities.

ROAD IMPACT FEES. A fee imposed on all new residential and nonresidential development to fund the proportionate share of the costs of transportation improvements and new roads designed to solve congestion-related problems that are anticipated from increased traffic demands resulting from new development, and including improvements to minor arterials and/or collectors needed for access and traffic mobility, but excluding project-specific traffic and transportation improvements such as turn lanes, individual traffic signals for the benefit of a specific development project, and the like.

TOWN. The Town of Chino Valley.

(2001 Code, Art. 16-2) (Am. Ord. 04-588, passed 12-9-2004)

§ 151.03 ADDITIONAL PROVISIONS.

(A) This chapter and the procedures established shall remain in effect unless and until repealed, amended or modified by council in accordance with applicable state law and the town code, ordinances and resolutions.

(B) This chapter shall not apply to:

(1) Previously issued building permits.

(2) Previous payment of development fees.

(3) No net increase in dwelling units-No development fee shall be imposed on any new residential development which does not add a new dwelling unit.

(4) No increase in public facilities-No development fee shall be imposed on a use, development, project, structure, building, fence, sign, or other activity, whether or not a building permit is required, which does not result in an increase in the demand for public facilities.

(5) Development projects which are the subject of a development agreement containing provisions that are in conflict with this ordinance, but only to the extent of the conflict or inconsistency.

(6) Development by other governmental entities, school districts or charter schools. At the option of the Council, the town may enter into intergovernmental agreements with governmental agencies to waive town development fees and building permit fees. Governmental agencies include, without limitation, federal and state agencies, towns, cities, colleges, universities and emergency

response entities. Pursuant to A.R.S. § 9-500.18, no development fee shall be imposed on school districts or charter schools except for those fees assessed for streets, water and sewer utility functions.

(2001 Code, Art. 16-3) (Am. Ord. 04-588, passed 12-9-2004)

§ 151.04 APPROPRIATION OF DEVELOPMENT FEE FUNDS, REFUNDS, APPEALS, EXEMPTIONS AND WAIVERS.

(A) The town, for each category of public facility for which development fees are imposed, shall establish a development fee account. The account shall clearly identify the category, account or fund for which the development fee has been imposed.

(B) Sub-accounts may be established for individual development fee districts. All development fees collected by the town shall be deposited into the appropriate development fee account or sub-account, which shall be interest bearing. All interest earned on monies deposited to the account shall be credited to and shall be considered funds of the account. The funds of each account shall be capable of being accounted for separately from all other town funds, over time. The town shall establish and implement necessary accounting controls to ensure that the development fee funds are properly deposited, accounted for and appropriated in accordance with this chapter, A.R.S. § 9-463.05, and any other applicable legal requirements.

(C) Development fees shall be appropriated only:

(1) For the particular public facility for which they were imposed.

(2) Within the development fee district where collected unless the development fee funds will be appropriated for a public facility necessitated by or serving new development.

(D) Development fee funds may be appropriated for a public facility located outside of the district where collected only if the demand for the public facility is generated in whole or in part by the new development.

(E) The town shall each year identify public facility projects anticipated to be funded in whole or in part with development fees. The council may include development fee-funded public facilities in the town's annual budget and capital improvements program or at any other time throughout the year, as deemed necessary. The council shall verify that adequate development fee funds are or will be available from the appropriate development fee account for the particular public facility.

(F) Eligibility for refund.

(1) An applicant who has paid a development fee for a new development for which the necessary building permit has expired or which the building permit has been revoked may be eligible to apply for a refund of development fees paid.

(2) An applicant who has paid a development fee for a new development for which a building permit has been issued, and pursuant to which construction has been initiated, but which construction is abandoned prior to completion and issuance of certificate of occupancy, shall not be eligible for a refund.

(3) Applicant must request the refund in writing and must do so within 30 days following the expiration. Full documentation must be provided along with any documentary evidence. The town manager or designee(s) shall review the application and information provided that is deemed relevant, and make a determination as to whether a refund is due. Additionally, applicant must be the property owner or designated agent of the property owner. Proof of fees paid must be provided with the request for refund. The town shall pay no interest on the funds refunded.

(a) A 5% administrative fee shall be deducted from the amount of any refund granted and shall be retained by the town to defray the administrative expenses associated with the processing of a refund application.

(b) The town may, at its option, make refunds of development fees direct payment, by offsetting the refunds against other development fees due for the same category of public facilities for new development on the same property, or by other means subject to agreement with the property owner.

(G) An appeal from any decision of a town official pursuant to this chapter shall be made to the council by filing a written appeal with the Town Clerk within 30 days following the decision which is being appealed; provided, however, that if notice of appeal is accompanied by a cash bond or letter of credit in a form satisfactory to the Town Attorney and the Finance Director in an amount equal to the development fee calculated to be due, a building permit may be issued to the new development. The filing of an appeal shall not stay the imposition or the collection of the development fee calculated by the town unless a cash bond or other sufficient surety has been provided.

(1) The burden of proof shall be on the appellant to demonstrate that the decision of the town is erroneous.

(2) All appeals shall detail the specific grounds therefor and all other relevant information and shall be filed on a form provided by the town for such purposes.

(H) Petitions for exemptions or waivers from specific development fee shall be filed with the Town Manager or designee and must be done so in writing.

(I) Nothing herein shall be deemed to limit the town's authority or ability to enter into development agreements pursuant to A.R.S. § 9-500.05 with applicants for new development who may provide for dedication of land, payments in lieu of development fees, or actual infrastructure improvements. The development agreements may allow offsets against development fees for contributions made or to be made in the future in cash, or by taxes or assessments or dedication of land, or by actual construction of all or part of a public facility by the affected property owner.

(2001 Code, Art. 16-4) (Am. Ord. 04-588, passed 12-9-2004)

§ 151.05 FEES ADOPTED BY REFERENCE.

(A) *Development impact fees for police.* New construction within the town limits shall be assessed a development impact fee for police.

(B) *Development impact fees for library.* New construction within the town limits shall be assessed a development impact fee for library.

(C) *Development impact fees for parks and recreation.* New construction within the town limits shall be assessed a development impact fee for parks and recreation.

(D) *Development impact fees for general government.* New construction within the town limits shall be assessed a development impact fee for general government.

(E) *Development impact fees for roads.* New construction within the town limits shall be assessed a development impact fee for roads.

(2001 Code, Art. 16-5) (Ord. 507, passed - -2002; Am. Ord. 04-588, passed 12-9-2004)

§ 151.06 DELAYED EFFECTIVE DATE.

The effective date of Ord. 507 shall be from and after September 1, 2002.

(2001 Code, Art. 16-6) (Am. Ord. 04-588, passed 12-9-2004)

§ 151.07 ADJUSTMENT.

For the period from September 1, 2002 through June 30, 2003 the development impact fees shall be as set forth above. Thereafter, the amount of the development impact fees shall be adjusted by the Finance Director in the manner set forth herein. Development impact fees shall be payable prior to issuance of a building permit.

(2001 Code, Art. 16-7) (Am. Ord. 04-588, passed 12-9-2004)

§ 151.08 AUTOMATIC ANNUAL ADJUSTMENT.

On July 1 of each year, commencing in 2003, the amount of the development impact fees to be paid to the town pursuant to this chapter shall be increased by the percentage change in the annual average of the ENR Index between the prior 2 calendar years. The Finance Director shall make the required calculation by April 1 of each year, and the amount of the development impact fees for the next 12 month period beginning July 1 of that year, as calculated by the Finance Director and reviewed by the Town Manager, shall then be fixed by the Finance Director based upon such calculation, without the necessity of further action by the Council. In no event shall the amount of the development impact fees be reduced based upon a change in the ENR Index. No later than 30 days after the

development impact fees are adjusted each year as provided in this section, the Town Clerk shall cause to be published a public notice setting forth the amount of the adjusted development impact fees. The notice shall be published 1 time in a newspaper of general circulation in the town, provided, however, that the failure of the Town Clerk to cause the notice to be published shall not affect the validity of the adjustment to the development impact fees as made by the Finance Director pursuant to this section. In the event the ENR Index information for the prior calendar years is unavailable by April 1, the development impact fees as previously fixed for the prior fiscal year (July 1 to June 30) shall continue in effect until such time as the ENR Index for the prior years is available and the finance director makes the required calculation.

(2001 Code, Art. 16-8) (Am. Ord. 04-588, passed 12-9-2004)

CHAPTER 152: FLOOD DAMAGE PREVENTION

Section

General Provisions

- 152.001 Statutory authorization
- 152.002 Findings of fact
- 152.003 Statement of purpose
- 152.004 Methods of reducing flood losses
- 152.005 Definitions
- 152.006 Lands to which chapter applies
- 152.007 Basis of establishing areas of special flood hazard
- 152.008 Compliance
- 152.009 Abrogation and greater restrictions
- 152.010 Interpretation
- 152.011 Warning and disclaimer of liability
- 152.012 Statutory exemptions
- 152.013 Declaration of public nuisance
- 152.014 Abatement of violations
- 152.015 Unlawful acts

Administration

- 152.030 Development permit
- 152.031 Floodplain Administrator

Flood Hazard Reduction

- 152.045 Standards of construction
- 152.046 Standards for storage of materials and equipment
- 152.047 Standards for utilities
- 152.048 Standards for subdivisions
- 152.049 Standards for manufactured homes

152.050 Floodways

Variances

152.065 Appeal Board

152.066 Conditions for variances

152.067 Minor variances

Amendments

152.080 Map amendments

152.081 Ordinance amendments

GENERAL PROVISIONS

§ 152.001 STATUTORY AUTHORIZATION.

The legislature of the State of Arizona has, in A.R.S. § 48-3610, enabled the town to adopt regulations in conformance with A.R.S. § 48-3603 designed to promote the public health, safety and general welfare of its citizenry.

(2001 Code, § 14-1-1)

§ 152.002 FINDINGS OF FACT.

(A) The flood hazard areas of the town are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(B) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards, which increase flood heights and velocities, and when inadequately anchored, cause damage in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

(2001 Code, § 14-1-2)

§ 152.003 STATEMENT OF PURPOSE.

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (A) To protect human life and health;
- (B) To minimize expenditure of public money for costly flood control projects;
- (C) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (D) To minimize prolonged business interruptions;
- (E) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (F) To help maintain a stable tax base by providing for the use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (G) To insure that potential buyers are notified that property is in an area of special flood hazard;

(H) To insure that those who occupy the areas of special flood hazard assume responsibility for their actions; and

(I) To maintain eligibility for state and federal disaster relief.

(2001 Code, § 14-1-3)

§ 152.004 METHODS OF REDUCING FLOOD LOSSES.

In order to accomplish its purposes, this chapter includes methods and provisions for:

(A) Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(B) Requiring that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

(C) Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel flood waters;

(D) Controlling filling, grading, dredging and other development which may increase flood damage; and

(E) Preventing or regulating the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards in other areas.

(2001 Code, § 14-1-4)

§ 152.005 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY USE. A use that is incidental and subordinate to the principal use of the parcel of land on which it is located.

APPEAL. A request for a review of the Floodplain Administrator's interpretation of any provision of this chapter or a request for a variance.

AREA OF SHALLOW FLOODING. A designated AO Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from 1 to 3 feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD. The land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year. This area is designated as Zone A, AO, AH and A1-30 on the FIRM and other areas determined by the criteria adopted by the Director of Water Resources.

BASE FLOOD. The flood having a 1% chance of being equaled or exceeded in any given year.

BASEMENT. Any area of the building having its floor sub-grade (below ground level) on all sides.

BREAKAWAY WALL. A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building supporting foundation system.

COMMUNITY. Any state or area or political subdivision thereof, or any Indian tribe or authorized tribal organization, or authorized native organization that has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

DEVELOPMENT. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, drainage facilities, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of materials and equipment located within the area of special flood hazard.

ENCROACHMENT. The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain that may impede or alter the flow capacity of a floodplain.

EROSION. The process of the wearing away of a land mass.

FLOOD or **FLOODING.** A general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of flood waters, (2) the unusual and rapid accumulation or runoff of surface waters from any source, and/or (3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this definition.

FLOOD ELEVATION. A determination by the administrator of the water surface elevations of the base flood, that is, the flood level that has a 1% or greater chance of occurrence in any given year.

FLOOD ELEVATION STUDY. An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

FLOOD HAZARD BOUNDARY MAP or **FHBM.** An official map of a community, issued by the Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M and/or E.

FLOOD INSURANCE RATE MAP or **FIRM.** The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY. The official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary Floodway Map and the water surface elevation of the base flood.

FLOOD PROOFED. Any combination of structural and non-structural additions, changes or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODPLAIN or **FLOOD-PRONE AREA.** The areas adjoining the channel of a watercourse including areas where drainage is or may be restricted by man-made structures that have been or may be covered partially or wholly by floodwater from the 100-year flood.

FLOODPLAIN ADMINISTRATOR. The designated Administrator of the Flood Control Ordinance 466 of the Town of Chino Valley, which Administrator is hereby authorized by the Town Council to administer and implement the provisions of this chapter. The town manager or his or her designee shall be the administrator.

FLOODPLAIN BOARD. The Town Council at such times as they are engaged in the enforcement of this chapter.

FLOODPLAIN MANAGEMENT. The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

FLOODWAY. The channel of a river or other watercourse and the adjacent land areas necessary in order to discharge the 100-year flood without cumulatively increasing the water surface elevation.

FLOODWAY FRINGE. That area of the floodplain on either side of the **REGULATORY FLOODWAY** where encroachment may be permitted.

HIGHEST ADJACENT GRADE. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE. Any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been

certified either:

- (a) By an approved state program as determined by the Secretary of the Interior; or
- (b) Directly by the Secretary of the Interior in states without approved programs.

LEVEE. A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that the enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

MANUFACTURED HOME. A structure, transportable in 1 or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term **MANUFACTURED HOME** does not include a **RECREATIONAL VEHICLE**.

MANUFACTURED HOME PARK OR SUBDIVISION. A parcel (or contiguous parcels) of land divided into 2 or more manufactured home lots for sale or rent.

MARKET VALUE. Determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the Floodplain Administrator, but shall not include economic or other forms of external obsolescence. Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.

ONE HUNDRED YEAR FLOOD. The flood having a 1% chance of being equaled or exceeded in any given year (see **BASE FLOOD**).

MEAN SEA LEVEL. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION. For floodplain management purposes, structures for which the **START OF CONSTRUCTION** commenced on or after December 14, 1981.

OBSTRUCTION. Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

PERSON. An individual or his agent, firm, partnership, association or corporation, or agent of the aforementioned groups, or this state or its agencies or political subdivisions.

PRINCIPALLY ABOVE GROUND. At least 51% of the actual cash value of the structure, less land value, is above ground.

RECREATIONAL VEHICLE. A vehicle that is:

- (1) Built on a single chassis;
- (2) 319 square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel or seasonal use.

REGULATORY FLOOD ELEVATION. An elevation 1 foot above the base flood elevation.

REGULATORY FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood.

REMEDY A VIOLATION. To bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the chapter or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

REPETITIVE LOSS STRUCTURE. A structure, covered by a contract for flood insurance issued pursuant to the National Flood Insurance Act of 1968, being 42 U.S.C. §§ 4001 *et seq.*, that has incurred flood-related damage on 2 occasions during any 10 year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on average, equaled or exceeded 25% of the market value of the structure at the time of each flood event.

RIVERINE. Relating to, formed by, or resembling a river (including tributaries), stream or brook, among other similar water channels.

SHEET FLOW AREA. See **AREA OF SHALLOW FLOODING.**

SPECIAL FLOOD HAZARD AREA. An area having special flood or flood-related erosion hazards, and shown on a FHBM or FIRM as Zone A, AO, AO, A1-30, AE, A99 or AH.

START OF CONSTRUCTION. Includes substantial improvement, and means the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual **START OF CONSTRUCTION** means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE. The result of arranging materials and parts together and attached to a lot (such as buildings, tanks and fences), but not including tents or vehicles.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the **START OF CONSTRUCTION** of the improvement. The value of all improvements made after December 14, 1981, shall be considered. This term includes structures that have incurred **SUBSTANTIAL DAMAGE**, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a **HISTORIC STRUCTURE**, provided that the alteration will not preclude the structure's continued designation as a **HISTORIC STRUCTURE**.

VARIANCE. A grant of relief from the requirements of this chapter that permits construction in a manner that would otherwise be prohibited by this chapter.

VIOLATION. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION. The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of riverine areas.

WATERCOURSE. A lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

(2001 Code, Art. 14-2)

§ 152.006 LANDS TO WHICH CHAPTER APPLIES.

This chapter shall apply to all areas of special flood hazards within the boundaries of the town.

(2001 Code, § 14-3-1)

§ 152.007 BASIS OF ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

(A) The areas of special flood hazard identified by the Federal Insurance Administration of the Federal Emergency Management Agency (FEMA) in a scientific and engineering report entitled "Flood Insurance Study for the Town of Chino Valley," dated August 19, 1985, with accompanying Flood Insurance Rate Maps and Flood Boundary and Floodway Maps, and all new and subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this chapter. These Flood Insurance Studies are on file at the town's community development department and public library. The Flood Insurance Study and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the floodplain board by the Floodplain Administrator.

(B) The town, within its area of jurisdiction shall delineate, or may by rule, require developers of land to delineate floodplains for areas where development is ongoing or imminent and thereafter as development becomes imminent, consistent with the criteria developed by the Federal Emergency Management Agency and the Director of Water Resources.

(2001 Code, § 14-3-2)

§ 152.008 COMPLIANCE.

All development of land, construction of residential, commercial or industrial structures or future development within delineated floodplain areas is subject to the terms of this chapter and other applicable regulations.

(2001 Code, § 14-3-3)

§ 152.009 ABROGATION AND GREATER RESTRICTIONS.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(2001 Code, § 14-3-4)

§ 152.010 INTERPRETATION.

In the interpretation and application of this chapter, all provisions shall be:

- (A) Considered as minimum requirements;
- (B) Liberally construed in favor of the governing body; and
- (C) Deemed neither to limit nor repeal any other powers granted under state statutes.

(2001 Code, § 14-3-5)

§ 152.011 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific

and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the town, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on the chapter or any administrative decision lawfully made thereunder.

(2001 Code, § 14-3-6)

§ 152.012 STATUTORY EXEMPTIONS.

(A) In accordance with A.R.S. § 48-3609(H), unless expressly provided, this and any regulation adopted pursuant to this chapter do not affect:

(1) Legal uses of property existing prior to December 14, 1981, or the right to continuation of such legal use. However, if a nonconforming use of land or a building or structure is discontinued for 6 months or destroyed to the extent of 50% of its value, as determined by a competent appraiser, any further use shall comply with this article and regulations of the Flood Control District.

(2) Reasonable repair or alteration of property for the purposes for which the property was legally used on December 14, 1981, or any regulations affecting such property takes effect, except that any alteration, addition or repair to a nonconforming building or structure which would result in increasing its flood damage potential by 50% or more shall be either flood proofed or elevated to or above the regulatory flood elevation.

(3) Reasonable repair of structures constructed with the written authorization required by A.R.S. § 48-3613.

(4) Facilities constructed or installed pursuant to a certificate of environmental compatibility issued pursuant to A.R.S. 40-360 *et seq.* (Title 40, Chapter 2, Article 6.2).

(B) In accordance with A.R.S. § 48-3613, written authorization shall not be required, nor shall the Floodplain Administrator prohibit:

(1) The construction of bridges, culverts, dikes and other structures necessary to the construction of public highways, roads and streets intersecting or crossing a watercourse.

(2) The construction of storage dams for watering livestock or wildlife, structures on banks of a watercourse to prevent erosion of or damage to adjoining land if the structure will not divert, retard or obstruct the natural channel of the watercourse or dams for the conservation of floodwaters as permitted by A.R.S. § 45-6.

(3) Construction of tailing dams and waste disposal areas for use in connection with mining and metallurgical operations. This paragraph does not exempt those sand and gravel operations which will divert, retard or obstruct the flow of waters in any watercourse from complying with and acquiring authorization from the Board pursuant to regulations adopted by the Board under this chapter.

(4) Other construction if it is determined by the Administrator that written authorization is unnecessary.

(5) Any flood control district, county, city, town or other political subdivision from exercising powers granted to it under this chapter.

(6) The construction of streams, waterways, lakes and other auxiliary facilities in conjunction with development of public parks and recreation facilities by a public agency or political subdivision.

(7) The construction and erection of poles, towers, foundations, support structures, guy wires and other facilities related to power transmission as constructed by any utility whether a public service corporation or a political subdivision.

(C) Before any construction authorized by division (B) above may begin, the responsible person must submit plans for the construction to the Administrator for review and comment.

(D) In addition to other penalties or remedies otherwise provided by law, the state, a political subdivision or a person who may be damaged or has been damaged as a result of the unauthorized diversion, retardation or obstruction of a watercourse has the right to commence, maintain and prosecute any appropriate action or pursue any remedy to enjoin, abate or otherwise prevent any person from violating or continuing to violate this section or regulations adopted pursuant to this chapter. If a person is found to be in violation of this section, the court shall require the violator to either comply with this section if authorized by the board or remove the obstruction and restore the watercourse to its original state. The court may also award such monetary damages as are appropriate to the injured

parties resulting from the violation including reasonable costs and attorney fees.

(2001 Code, § 14-3-7)

§ 152.013 DECLARATION OF PUBLIC NUISANCE.

Every new structure, building, fill, excavation or development located or maintained within any area of special flood hazard in violation of this chapter is a public nuisance per se and may be abated, prevented or restrained by action of this political subdivision.

(2001 Code, § 14-3-8)

§ 152.014 ABATEMENT OF VIOLATIONS.

(A) After discovery of a violation of this chapter, the Floodplain Administrator shall take such steps as he or she deems necessary to abate the violation as provided by this chapter and state law. The Floodplain Administrator shall give first priority to those violations which he or she deems pose the greatest potential for loss of life and property, or as directed by the Town Manager upon consultation with the Town Engineer.

(B) In the event the Floodplain Administrator is unable to promptly cure a violation, a declaration for denial for insurance shall be submitted to the Administrator of Federal Insurance Administrator pursuant to § 1316 of the National Flood Insurance Act of 1968, being 42 U.S.C. § 4023, as amended.

(2001 Code, § 14-3-9)

§ 152.015 UNLAWFUL ACTS.

(A) It is unlawful for any person to divert, retard or obstruct the flow of waters in any watercourse whenever such diversion, retardation or obstruction creates a hazard to life or property. Where the watercourse is a delineated floodplain, it is unlawful to excavate or build any structure affecting the flow of waters without securing written authorization of the Floodplain Administrator.

(B) Any person violating the provisions of this section shall be guilty of a Class 2 Misdemeanor.

(2001 Code, § 14-3-10)

ADMINISTRATION

§ 152.030 DEVELOPMENT PERMIT.

(A) A development permit shall be obtained before construction or development, including placement of manufactured homes, begins within any area of special flood hazard. Each application for a development permit or extension of a development permit shall be made on forms furnished by the Floodplain Administrator.

(B) The Floodplain Administrator may require at a minimum, the applicant to submit:

(1) Engineered plans, in duplicate, drawn to scale, showing the nature and location of the area, regulatory flood elevations, dimensions and contours or key elevations, watercourses, and the locations of existing and proposed structures, fill, storage of materials, and drainage facilities. All elevations or vertical distances must reference an established datum or base elevation.

(2) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development and cumulative development.

(3) When structures are involved:

(a) Structures shall be designed and constructed so as to offer the minimum obstruction to the flow of flood waters. Foundation systems shall be designed and certified by a registered professional engineer.

(b) Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures, plus elevation of existing grade, in relation to mean sea level, all elevations shall be certified by a registered civil engineer or a registered land surveyor, registered in the State of Arizona.

(c) Proposed elevation in relation to mean sea level to which each structure shall be flood- proofed.

(d) Certification by a registered professional engineer or architect that the flood-proofing methods for each structure meet the flood-proofing criteria in § 152.045(C)(3).

(4) More extensive submissions if the proposed development is in a designated floodway or in an area that will act as a floodway during a major flood. Developers in these areas, including gravel and sand excavators, shall submit a plan, a time schedule and a report, all signed by a registered civil engineer. The plan, in duplicate, shall be to a scale of 1 inch equals 100 feet or greater and shall contain contours with a contour interval of 2 feet or less.

(C) In the case of gravel and sand excavation, the plan shall indicate the locations and depths of excavations, and the locations of trees and banks and how they will be protected or disposed of, and the time schedule shall indicate approximate volumes to be removed on a quarterly basis up to the end of the operation. The report shall deal with the hydrology, hydraulics and sediment aspects of the development, shall demonstrate that no increase in flood levels during the occurrence of the base flood discharge would occur, shall address concerns over loss of life and property damage, shall treat bank erosion and channel aggradation and degradation, and shall contain water surface profile studies and quantitative or semi-quantitative sediment analyses if required to support the conclusions in the report. A registered civil engineer may make a written request to waive certain of the items, accompanied by explanations. It is stressed that encroachments in floodways are prohibited, as per § 152.050, and that only in rare cases would exceptions be made.

(2001 Code, § 14-4-1)

§ 152.031 FLOODPLAIN ADMINISTRATOR.

Duties of the Floodplain Administrator shall include, but not be limited to:

(A) Review all development permits to determine that:

- (1) The permit requirements of this chapter have been satisfied.
- (2) The site is reasonably safe from flooding.

(3) The proposed development does not adversely affect the water and sediment carrying capacity of the floodway. For purposes of this chapter, "adversely affects" means that the cumulative effect of the proposed development, and all other existing and anticipated developments shall not increase the water surface elevation of the base flood more than 1 foot at any point, and shall not risk aggravating bed and bank scour which could directly or indirectly endanger human life or cause property damage.

(B) When base flood elevation data has not been provided in accordance with § 152.007, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer §§ 152.045*et seq.* Any such information shall be consistent with the requirements of the Federal Emergency Management Agency and the Director of Water Resources.

(C) Obtain and maintain for public inspection and make available as needed for flood insurance policies:

- (1) The certified elevation required in § 152.045(C)(1);
- (2) The certification required in § 152.045(C)(2);
- (3) The flood proofing certification required in § 152.045(C)(3);
- (4) The certified elevation required in § 152.048; and
- (5) Permit records for repair of flood-related damage to structures on a cumulative basis over the life of the structure.

(D) Whenever a watercourse is to be altered or relocated:

- (1) Notify adjacent communities and the Arizona Department of Water Resources prior to such alteration or relocation of a watercourse, and submit evidence of the notification to the Federal Insurance Administration through appropriate notification means;
- (2) Require that the flood carrying capacity of the altered or relocated portion of the watercourse is maintained.

(E) Within 120 days after completion of construction of any flood control protective works which changes the rate of flow during the flood or the configuration of the floodplain upstream or downstream from or adjacent to the project, the person or agency responsible for installation of the project shall provide to the governing bodies of all jurisdictions affected by the project a new delineation of all floodplains affected by the project. The new delineation shall be done according to the criteria adopted by the Director of Water Resources.

(F) Advise in writing and provide a copy of any development plan, to any neighboring city, town or county Floodplain Administrator having assumed jurisdiction over its floodplains in accordance with A.R.S. § 48-3610, of any application for a floodplain use permit (development permit) or variance to develop land in a floodplain or floodway within 1 mile of the corporate limits of such city or town or unincorporated village or urbanized area. The town Floodplain Administrator shall also advise such city or town and county Floodplain Administrator in writing and provide a copy of any development plan of any major development proposed within a floodplain or floodway which could affect floodplains, floodways, or watercourses within such county, city or town area of jurisdiction. Written notice and a copy of the plan of development shall be sent to such county, city or town no later than 3 working days after having been received by the town Floodplain Administrator.

(G) Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in §§ 152.065*et seq.*

(H) Take actions on violations of this chapter as required in § 152.014.

(I) Establish a reasonable fee schedule, including higher fees for late compliance, all fee structures to be approved by the Town Council.

(2001 Code, § 14-4-2)

FLOOD HAZARD REDUCTION

§ 152.045 STANDARDS OF CONSTRUCTION.

In all areas of special flood hazards the following standards are required:

(A) *Anchoring.*

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure. A foundation design and certification by a registered professional engineer may be required to ensure the standards of this division.

(2) All manufactured homes shall meet the anchoring standards of § 152.049(B).

(B) *Construction materials and methods.*

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(3) All new construction, substantial improvement and other proposed new development shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(4) Require within Zones AH or AO that adequate drainage paths around structures on slopes guide floodwaters around and away from proposed or existing structures.

(C) *Elevation and flood-proofing.*

(1) New construction and substantial improvement of any structure shall have the lowest floor, including basement, elevated to or above the regulatory flood elevation. Nonresidential structures may meet the standards in § 152.045(C)(3). Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor and

provided to the Floodplain Administrator.

(2) New construction and substantial improvement of any structure in Zone AO shall have the lowest floor, including basement, higher than the highest adjacent grade at least 1 foot higher than the depth number on the FIRM, or at least 2 feet if no depth number is specified. Nonresidential structures may meet the standards in § 152.045(C). Upon completion of the structure a registered professional engineer shall certify to the Floodplain Administrator that the elevation of the structure meets this standard.

(3) Nonresidential construction shall either be elevated in conformance with § 152.045(C)(1) or (2) or together with attendant utility and sanitary facilities:

(a) Be flood-proofed so that below the regulatory flood level the structure is watertight with walls substantially impermeable to the passage of water;

(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(c) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the Floodplain Administrator.

(4) Require for all new construction and substantial improvements of non-residential structures, that fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect to meet or exceed the following minimum criteria.

(a) A minimum of 2 openings having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.

(b) The bottom of all openings shall be no higher than 1 foot above grade.

(c) Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(5) Manufactured homes shall meet the above standards and also the standards in § 152.050.

(6) Fill, if used to elevate structures, must meet all of the following standards.

(a) The top of such fill shall be at no point lower than the Regulatory Flood Elevation.

(b) The fill shall extend at least 15 feet beyond the walls or supporting frame of the structure.

(c) Fill must be placed and compacted in accordance with the Uniform Building Code.

(d) Fill shall not interfere with local drainage or tributary flow to the channel of any watercourse.

(e) Fill proposed in excess of the volume and extent required herein must be shown to have no detrimental effect and the amount of fill cannot be greater than is necessary to achieve the purpose for which it is intended as demonstrated by a plan submitted by the applicant indicating the uses to which the filled land will be put and the final dimensions and extent of the proposed fill. Fill shall not include junk, trash, wood or other buoyant or hazardous material and shall be protected as needed against scour and erosion by riprap or other protective measures as approved by the Floodplain Administrator.

(2001 Code, § 14-5-1)

§ 152.046 STANDARDS FOR STORAGE OF MATERIALS AND EQUIPMENT.

(A) The storage or processing of materials that are, in time of flooding, buoyant, flammable, explosive or could be injurious to human, animal or plant life is prohibited.

(B) Storage of other material or equipment may be allowed if not subject to major damage by floods, and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

(2001 Code, § 14-5-2)

§ 152.047 STANDARDS FOR UTILITIES.

- (A) All new or replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters.
- (B) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (C) Waste disposal systems shall not be installed in a regulatory floodway.

(2001 Code, § 14-5-3)

§ 152.048 STANDARDS FOR SUBDIVISIONS.

- (A) All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood.
- (B) If flood hazard areas exist, all final subdivision plans and plats will provide the elevation(s) of proposed structure(s) and pads. If the site is filled above the base flood, the final lowest floor and pad elevation shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.
- (C) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (D) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (E) All subdivisions shall provide adequate drainage to reduce exposure to flood hazards, including easements dimensioned to facilitate construction and maintenance of drainage facilities, and shall not concentrate or increase flows without providing remedial works.
- (F) All subdivision plan submittals shall include the information, and shall be in the form required by the Floodplain Administrator.

(2001 Code, § 14-5-4)

§ 152.049 STANDARDS FOR MANUFACTURED HOMES.

All new and replacement manufactured homes, additions to manufactured homes and recreational vehicles which are left on site for more than 180 days or are not licensed and ready for highway use shall:

- (A) Be elevated so that the bottom of the structural frame or the lowest point of any attached appliances, whichever is lower, is at or above the regulatory flood elevation; and
- (B) Be securely anchored to an adequately anchored foundation system designed by a registered professional engineer, to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

(2001 Code, § 14-5-5)

§ 152.050 FLOODWAYS.

- (A) Located within areas of special flood hazard established in § 152.007 are areas designated as floodways.
- (B) Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

(1) (a) Encroachments in floodways are prohibited, including fill, new construction, substantial improvements, and other development, unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels and that the structural integrity of the development is not susceptible to the base flood velocities, bed scour and other physical mechanisms during the occurrence of the base flood discharge.

(b) The certified demonstration must meet the procedures as set forth in § 152.030, and if approved by the Floodplain

Administrator a development permit may be obtained.

(2) (a) The minimum setback from the edge of a floodway, or from the edge of a bank of a watercourse if no floodway is to be defined, shall be 20 feet.

(b) Along reaches of streams or watercourses where hazards from eroding banks and/or channel meandering are considered by the district administrator to be severe, special engineering studies shall be made by the property owner or developer and requirements for setbacks from banks of streams or watercourses and/or other protection measures shall be established in accordance with findings that are concurred with by the Floodplain Administrator.

(3) No activity is permitted within a floodway that might cause lateral migration of waters at high or low stages or channel bed degradation or aggradation without a development permit.

(4) If § 152.050 is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of §§ 152.045*et seq.*

(2001 Code, § 14-5-6)

VARIANCE PROCEDURE

§ 152.065 APPEAL BOARD.

(A) The Board of Adjustment (Floodplain Board) of the town shall hear and decide appeals and requests for variances from the requirements of this chapter.

(B) The Floodplain Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Floodplain Administrator in the enforcement or administration of this chapter.

(C) In passing upon the applications, the Floodplain Board shall consider all technical evaluations, including an opinion of the Town Engineer, all relevant factors, standards specified in other sections of this chapter, and:

- (1) The danger that materials may be swept onto other lands to the injury of others;
- (2) The danger of life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (4) The importance of the services provided by the proposed facility to the community;
- (5) The necessity to the facility of a waterfront location, where applicable;
- (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (7) The compatibility of the proposed use with existing and anticipated development;
- (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (9) The safety of access to the property in time of flood for ordinary and emergency vehicles;
- (10) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
- (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water system, and streets and bridges.

(D) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items § 152.065(C)(1) through (11) have been fully considered. As the lot size increases beyond 1/2 acre, the technical justification required for issuing the variance increases.

(E) Upon consideration of the factors of §§ 152.065*et seq.* and the purposes of this chapter, the Floodplain Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(F) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

(2001 Code, § 14-6-1)

§ 152.066 CONDITIONS FOR VARIANCES.

(A) Variances may be issued for the repair, rehabilitation or restoration of structures listed in the National Register of Historic Places or the State Inventory of Historic Places, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(B) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result in a high risk of loss of life or property damage.

(C) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(D) Variances shall only be issued upon:

(1) A showing of good and sufficient cause;

(2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of, the public or conflict with existing local laws or ordinances.

(E) Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

(1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and

(2) The construction below the base flood level increases risks to life and property.

(F) The notification shall be maintained with a record of all variance actions as required in § 152.065(E). The notice will also state that the land upon which the variance is granted shall be ineligible for exchange of land pursuant to any flood relocation and land exchange program. A copy of the notice shall be recorded by the Floodplain Board in the office of the Yavapai County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

(2001 Code, § 14-6-2)

§ 152.067 MINOR VARIANCES.

The Floodplain Board may identify uses which are not allowed by this chapter but which are minor in nature. The Floodplain Board may adopt written policies detailing specific conditions in addition to the conditions listed in § 152.066 under which minor variances may be granted. The Floodplain Administrator may grant minor variances if all necessary conditions have been satisfied. The denial of a minor variance may be appealed to the Floodplain Board.

(2001 Code, § 14-6-3)

AMENDMENTS

§ 152.080 MAP AMENDMENTS.

(A) The Town Council may direct the Floodplain Administrator to study areas of special flood hazard that may be in error either because of changed conditions or engineering error. Any person may submit engineering reports consistent with criteria developed by

the Director of the Arizona Department of Water Resources to demonstrate error. The Floodplain Administrator may submit any proposed changes to the Arizona Department of Water Resources and the Federal Insurance Administration, including supporting engineering.

(B) Where areas of special flood hazard have not been delineated and development is ongoing or imminent, the planning and zoning commission shall direct the Floodplain Administrator or developers of land to prepare and submit reports to the Floodplain Administrator. If it appears that the report(s) are consistent with the criteria developed by the Director of the Arizona Department of Water Resources, they shall be adopted and submitted to the Arizona Department of Water Resources and the Federal Insurance Administration.

(2001 Code, § 14-7-1)

§ 152.081 ORDINANCE AMENDMENTS.

Amendments to this chapter may be adopted after a public hearing at which any person has an opportunity to be heard. At least 30 days before the hearing, a notice of the time and place of hearing shall be published in a newspaper of general circulation within the county. A notice of the hearing and the proposed ordinance changes shall be submitted to the Director of the Arizona Division of Emergency Management (DEM) at least 30 days prior to the hearing. A copy of any adopted ordinance change shall be filed within 5 days from adoption with the Director of the Arizona Division of Emergency Management (DEM) and with each neighboring political subdivision, County Floodplain Administrator and municipal corporation within 1 mile of the boundary of the town.

(2001 Code, § 14-7-2)

CHAPTER 153: FIRE PREVENTION AND PROTECTION

Section

153.01 International Fire Code adopted

§ 153.01 INTERNATIONAL FIRE CODE ADOPTED.

(A) That certain document entitled International Fire Code, 2004 Edition, published by International Fire Code Institute, is hereby adopted as the International Fire Code of the Town of Chino Valley and made a part of this title, the same as though the code was specifically set forth in full herein; and at least 3 copies of the code shall be filed in the office of the Town Clerk and Community Development Department and be kept available for public use and inspection.

(B) The certain document entitled Fire Protection Standards is hereby adopted as the Fire Protection Standards of the Town of Chino Valley and made a part of this chapter, the same as though the code was specifically set forth in full herein; and at least 3 copies of the code shall be filed in the office of the Town Clerk and Community Development Department and be kept available for public use and inspection.

(2001 Code, Art. 7-14) (Am. Ord. 04-569, passed 2-12-2004)

CHAPTER 154: UNIFIED DEVELOPMENT ORDINANCE

Section

154.01 Regulations adopted by reference

§ 154.01 REGULATIONS ADOPTED BY REFERENCE.

That certain code entitled the "Unified Development Ordinance of the Town of Chino Valley" is hereby adopted by reference and made a part of this code, the same as though the code was specifically set forth in full herein. At least three copies of the code shall be

kept on file in the office of the Town Clerk, and kept available for public use and inspection during normal business hours.

(2001 Code, Art. 13-1) (Ord. 478, passed 11-8-2001; Am. Ord. 06-678, passed 11-9-2006)

CHAPTER 155: PUBLIC IMPROVEMENT REIMBURSEMENT AGREEMENTS

Section

- 155.01 Purpose
- 155.02 Agreements optional
- 155.03 Form of agreements
- 155.04 General requirements
- 155.05 Offset
- 155.06 Developer

§ 155.01 PURPOSE.

Inasmuch as it is often in the public interest to extend public capital improvements or infrastructure to undeveloped areas in the town, or for one development to size certain public capital improvements or infrastructure larger than would otherwise be necessary for the development itself (so as to better accommodate nearby development), the Town Manager or his or her designee is hereby authorized to specify that developers either extend certain improvements off-site to connect with existing improvements or "upsized" certain on-site or off-site improvements (at developer's cost) so as to facilitate connection thereto by other developments.

(Ord. 05-627, passed 10-27-2005)

§ 155.02 AGREEMENTS OPTIONAL.

In the event the Town Manager or his or her designee specifies such extensions of off-site improvements or such upsizing of on-site or off-site improvements, nothing herein shall preclude the town from entering into agreements with developers to reimburse from buy-in fees charged to other developers over time some or all of the additional costs involved. However, it is expressly understood that nothing herein requires the town to enter into such agreements where the requirement of such extensions or upsizing at developer's sole cost is justified by significant other benefits accruing to developers, or as a consequence of development agreements, or as consideration for zoning, development plan, or site approvals or for other appropriate reasons. Developers shall pay the costs of the assessment process to determine the reasonable buy-in fee to charge other developers who use or connect to the improvement, including, without limitation, consultant fees to prepare studies, such as traffic, water, and sewer studies.

(Ord. 05-627, passed 10-27-2005)

§ 155.03 FORM OF AGREEMENTS.

Any agreements to reimburse some or all costs of off-site improvements extensions or upsizing of on-site or off-site improvements extension shall address one or more of the following:

- (A) Whether or not the improvement must be competitively bid in accordance with A.R.S. § 34-201;
- (B) When and according to what processes the improvement becomes the property of the town;
- (C) Whether and to what extent any improvement district assessments, in-lieu of assessment fees, connection charges, or development fees charged to developers will be offset by the extra costs of the improvement incurred by developers;
- (D) Whether and to what extent developers shall be reserved a specific amount of capacity in the improvement;

(E) The amount of reimbursable costs, after accounting for any offsets for the extra costs to developers (and any capacity in the improvement reserved to developers) and for capacity in the improvement that will remain available for use or connection by the other developers (for which developers should be reimbursed). Engineering costs may be included as reimbursable costs;

(F) The reasonable buy-in fee to charge other developers who use or connect to the improvement;

(G) How such buy-in fees shall be paid to the town and repaid to developers after deduction of a reasonable administrative fee by the town;

(H) That the total of such repayments shall not exceed the amount established in § 155.03(E) above and may be less if sufficient buy-in fees are not collected during the term of the agreement;

(I) That the term of any such agreement shall not be longer than 10 years or when the amount set forth in § 155.03(E) above is reimbursed (whichever is earlier);

(J) That the town has the option to reimburse developers with a credit against development fees, connection charges, improvement district assessments, or in lieu of assessment fees imposed by the town (in which case the town shall reimburse the appropriate fund accounts with the applicable buy-in fees collected);

(K) How and under what circumstances the agreement may be assigned to successors-in-interest;

(L) That such agreements shall be recorded in the office of the Yavapai County Recorder.

(Ord. 05-627, passed 10-27-2005)

§ 155.04 GENERAL REQUIREMENTS.

All required extensions of off-site improvements or upsizing of on-site or off-site improvements shall be constructed in accordance with specifications approved by the Town Engineer. Upon approval and acceptance of said extensions or upsized improvements by the Town Engineer, the same shall be dedicated by appropriate instrument to the town, and the town shall exercise exclusive control over who may connect or use the same and the procedures therefor.

(Ord. 05-627, passed 10-27-2005)

§ 155.05 OFFSET.

Buy-in fees paid by other developers as a result of such reimbursement agreements with developers may be offset, in whole or in part, against any development fees, connection charges, improvement district assessments, or in lieu of assessment fees charged those other developers for such improvements.

(Ord. 05-627, passed 10-27-2005)

§ 155.06 DEVELOPER.

A developer is defined as an individual, firm, corporation, association, syndicate, trust, or other legal entity that files the application and initiates proceeding for the development or any division of land, including but not limited to a subdivision, minor division of land, site development plan, and/or a zone change in accordance with this code.

(Ord. 05-627, passed 10-27-2005)

CHAPTER 156: GENERAL PLAN

Section

156.01 General plan adopted by reference

§ 156.01 GENERAL PLAN ADOPTED BY REFERENCE.

(A) The certain document entitled "Town of Chino Valley 2003 General Plan," attached hereto and expressly made a part hereof, is hereby declared to be a public record within the meaning of A.R.S. § 9-461.06, 3 copies of which are on file in the office of the Town Clerk and which are available for inspection by the public during normal business hours, is hereby adopted as the new General Plan of the Town of Chino Valley, pursuant to A.R.S. §§ 9-461.05 and 9-461.06.

(B) The Town of Chino Valley Town Clerk be authorized to endorse the 2003 General Plan to show that it has been duly adopted by the Town Council, pursuant to A.R.S. § 9-461.06(H).

(C) This resolution shall be effective after its passage and approval according to law.

(Res. 677, passed - -2003; Am. Ord. 05-598, passed 3-24-2005)