

# BUILDING AND CONSTRUCTION

## **CHAPTER 5 BUILDING AND CONSTRUCTION** <sup>587</sup>

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2016-11
- 5-1-2 Amendments<sup>489 552 551 562 588 612 648</sup>
- 5-1-3 Must Conform to Zoning Ordinance<sup>562 594</sup>
- 5-1-4 Adobe Code<sup>489 562</sup>
- 5-1-5 Repealed and Reserved<sup>562</sup>
- 5-1-6 Arizonans with Disabilities Regulations<sup>439 562</sup>
- 5-1-7 Fuel-Fired Generators<sup>489 562 590</sup>

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- 5-2-2 Amendments<sup>489 588 612 648</sup>
- 5-2-3 Clean-Burning Fireplace Standards<sup>480 562 590</sup>
- 5-2-4 Fuel-Fired Generators<sup>489 562 590</sup>
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**Article 5-1 BUILDING CODE**

- 5-1-1 International Building Code; 2015 Edition <sup>489 562 588 648</sup> 2016-02 2016-11
- 5-1-2 Amendments <sup>489 551 552 562 588 612 648</sup>
- 5-1-3 Must Conform to Zoning Ordinance <sup>562 588 594</sup>
- 5-1-4 Adobe Code <sup>489 562</sup>
- 5-1-5 Repealed and Reserved <sup>562</sup>
- 5-1-6 Arizonans with Disabilities Regulations <sup>439</sup>
- 5-1-7 Fuel-Fired Generators <sup>489 562 590</sup>

Section 5-1-1 International Building 2015 <sup>26 95 143 356 489 562 588 648</sup> 2016-02 2016-11

That certain document, known as the International Building Code, 2015 Edition, three copies of which are on file in the office of the Town Clerk of Paradise Valley, Arizona, is adopted as a part of this chapter as if fully set out in this Section.

Section 5-1-2 Amendments <sup>143 489 552 551 562 588 612 648</sup> 2016-11

The 2015 International Building Code Shall Be Amended as Follows:

A. Chapter 1, Administration, of the International Building Code is amended to read:

1. **Section 101.1 Title**, insert the words “Town of Paradise Valley” as the name of jurisdiction. Also add: “The fees and administrative provisions of Chapter 1 of this code shall apply to all the adopted technical codes. Where there is a conflict between these provisions and those of another technical code, these provisions shall apply. Where there is an administrative provision contained in another technical code and not in this code, then the administrative provision of the technical code shall apply.”
2. **Section 101.2.1 Appendices**, add the following sentence: “The provisions in Appendix I, Patio Covers are hereby adopted.”
3. **Section 104.2 Applications and permits** delete the word “issue” and replace with the word “grant” in the first sentence.
4. **Section 105.1 Required**, add the following sentence: “All permits applied for after the effective date of the adoptive ordinance of this code shall be regulated by this code.”

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5. **Section 105.2 Work exempt from permit**, delete item 1 and change item 2 to read, “Structures not over 8 inches (20.32 cm) high.”
6. **Section 105.3.1. Action on application**, delete the word “issue” and replace with the word “grant” in the last sentence.
7. **Section 105.3.2 Time limitation of application**, delete the text of the section and replace with the following language: “An application for a permit for any proposed work shall be deemed to have been abandoned 270 days after the date of filing. The approval of the application shall conclude the application period. From the conclusion of the application period to the granting of the permit shall be not greater than 90 days. There shall be no extensions awarded.”
8. **Section 105.4 Validity of Permit**, delete the words “issuance of” in the first sentence and delete the word “issuance” and replace with “grant” in the third sentence. Add the following sentence to the end of the section: “All nonconformities which may affect health, safety, and welfare must be corrected to the satisfaction of the Director of Building Inspection prior to issuance of a permit.”
9. **Section 105.5 Expiration**, delete the text of the section and replace with the following language: “Every permit issued shall become invalid unless the work authorized by such permit is commenced and required inspection(s) are requested by the permittee and approved by the Building Official within 180 days after its being granted, or if more than 180 days elapses between approval of required inspections.

Any permittee holding an active permit may apply for an extension of the time within which work may commence or be completed under that permit when the permittee is unable to commence or complete work within the time required by this section. The Building Official may extend the time for either commencement or completion of work by the permittee by granting up to three additional “extension dates” for periods not exceeding 180 days each. On written request by the permittee the Building Official’s granting of each 180 day extension date shall be based on a hardship or other circumstance beyond the permittee’s control and only after payment of the extension date fees specified herein. Permits for swimming pools may be extended more than three times at the discretion of the building official when required by the construction sequence.

If a 180-day permit extension date is granted, there will be no charge. If a second 180-day permit extension date is granted, there will be a charge equal to 50% of the original permit fee. If a third 180-day permit extension date is granted, there will be a charge equal to 100% of the original permit fee. A total of no more than three extension dates may be granted.

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A permit issued for a non-hillside structure on residential property, including grading for such structure, shall expire nine hundred (900) days after the date of issuance of a building permit and/or a grading permit for such structure. A permit issued for a hillside structure on residential property, including grading for such structure, shall expire twelve hundred sixty (1260) days after the date of issuance of a building permit and/or a grading permit for such structure.

A late fee shall be assessed against any property for which the nine hundred (900) or twelve hundred sixty (1260) day permit has expired. Said late fee shall be in the amount of \$1,000 for each month or part thereof that construction continues past the permit expiration date, including the final extension date, if any, on the building permit. All late fees shall be paid prior to the issuance of a certificate of occupancy.”

10. **Section 107.5 Retention of construction documents** delete the word “180” and replace with the word “90”.
11. **Section 109.2 Schedule of permit fees**, delete the words “schedule as established by the applicable governing authority” and replace with “Town of Paradise Valley Fee Schedule, of which three copies are filed with the Office of Clerk”.
12. **Section 109.3 Building permit valuations**, add the following paragraph: “For purposes of determining valuations, the most current building valuation data as stated in the Town of Paradise Valley Master Fee Schedule shall be used. The valuation for any shell-only building shall be permitted to be reduced by 20%.”
13. **Section 109.4 Work commencing before permit issuance**, delete the word “issuance”, replace with the word “granting” in the title and add the following paragraph: “This fee shall be equal to the amount of the permit fee required by the adopted fee schedule. The payment of such fee shall not exempt an applicant from all other provisions of either this code or other requirements nor from the penalty prescribed by law.”
14. **Section 109.6 Refunds**, delete the text of the section and replace with the following language: “The Building Official shall be permitted to authorize refunding of a fee paid hereunder which was erroneously paid or collected. The Building Official shall be permitted to authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code. The Building Official shall be permitted to authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended. The Building Official shall not be permitted to authorize refunding of any permit fee paid except upon written application filed by the original permittee not later than 90 days after the date of fee payment.”

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15. **Section 113.1 General**, delete the sentence “The board of appeals shall be appointed by the governing body and shall hold office at its pleasure” and replace with “The board of appeals shall be the Town Council.”
  16. **Section 113.3 Qualifications**, delete this subsection in its entirety.
  17. **Section 115.1 Authority**, delete the text of this section and replace with the following language: “Whenever the Building Official determines that an action being taken is in conflict with this code, or when the violation threatens the health and safety of the public or the environment, he shall cause to be issued a stop work order, which shall prohibit any work or other activity at the site.”
  18. **Section 115.2 Issuance**, delete the text of this section and replace with the following language: “The stop work order shall set forth the alleged violations and may list remedies to be taken to correct the violations. The stop work order shall be effective upon issuance and shall remain in effect until a finding is made by the building official that the circumstances giving rise to its order no longer exist.”
  19. **Section 115.3 Unlawful continuance**, delete the text of this section and replace with the following language: “Whenever a stop work order has been posted, no person shall remain in, perform work on, or enter any building that has been so posted. No person shall remove or deface any such notice after it is posted until the required actions have been completed and the order has been removed by the Building Official. It shall be unlawful to violate a stop work order subject to penalties as prescribed by law.”
  20. Add a new section, “**115.4 Penalty**. Any person who shall violate any of the provisions of this chapter shall be guilty of a class 1 misdemeanor and upon conviction thereof shall be punished by a fine not to exceed two thousand five hundred dollars (\$2,500.00) or by imprisonment for a period not to exceed six months or by both fine and imprisonment. In the alternative to the criminal penalty, civil prosecution may proceed pursuant to Article 1-9 of this Code.”
- B. **Chapter 2, DEFINITIONS**, of the International Building Code is amended to read:
1. **Section 201.3 Terms defined in other codes**, delete the text of the section, and replace with the following: “When terms are not defined in this code and are defined in another adopted code, such terms shall have the meanings ascribed to them in those codes.”
- C. **Chapter 3, USE AND OCCUPANCY CLASSIFICATION**, of the International Building Code is amended to read:
1. **Section 308.3 Group I-1**, delete the text of the section and replace with the following language: “This occupancy shall include buildings, structures, or parts thereof housing more than 10 persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a residential environment that provides

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supervisory care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to the following:

- Residential board and care facilities
- Assisted living centers
- Halfway houses
- Group homes
- Congregate care facilities
- Social rehabilitation facilities
- Alcohol and drug abuse centers
- Convalescent facilities

A facility such as the above with 10 or fewer persons shall be classified as A Group R-4 Condition 1 or shall comply with the International Residential code in accordance with Section 101.2 where the building is in compliance with Section 427 of this code.”

2. **Section 308.4 Group I-2**, delete the text of the section and replace with the following language: “This occupancy shall include buildings or structures used for medical, surgical, psychiatric, nursing, custodial, personal, or directed care on a 24-hour basis of more than 5 persons who are not capable of self-preservation by responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to the following:

- Hospitals
- Nursing homes (both intermediate care and skilled nursing facilities)
- Mental hospitals
- Detoxification facilities

A facility such as the above with five or fewer persons shall be classified as group R-3 or shall comply with the International Residential Code in accordance with Section 101.2.

This occupancy shall also include buildings and structures used for assisted living homes providing supervisory, personal, or directed care on a 24-hour basis to more than 10 persons who are not capable of self-preservation by responding to an emergency situation without physical assistance from staff. A facility such as the above with 10 or fewer persons shall be classified as R-4 Condition 2.”

3. **Section 310.6 Residential Group R**

**R-4**, delete the text of the section, and replace with the following language: “Residential occupancies shall include buildings arranged for occupancy as residential care/assisted living homes including not more than 10 occupants, excluding staff.

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**310.6.1 Condition 1.** This occupancy condition shall include facilities licensed to provide supervisory care services, in which occupants are capable of self-preservation by responding to an emergency situation without physical assistance from staff. Condition 1 facilities housing more than 10 persons shall be classified as a Group I-1.

**310.6.2 Condition 2.** This occupancy condition shall include facilities licensed to provide personal or directed care services, in which occupants are incapable of self-preservation by responding to an emergency situation without physical assistance from staff. Condition 2 facilities housing more than 10 persons shall be classified as Group I-2.

R-4 occupancies shall meet the requirements for construction as defined in Group R-3 except as otherwise provided for in this code and Section 427 or shall comply with the International Residential Code in accordance with Section 101.2, where the building is in compliance with Section 427 of this code.

4. **Section 310.7 Definitions**, delete the definitions for Personal Care Service and Residential Care/Assisted Living Home and replace with the following:

**Personal Care Service.** Assistance with activities of daily living that can be performed by persons without professional skills or professional training and includes the coordination or provision of intermittent nursing services and the administration of medications and treatments.

**Residential Care/Assisted Living Home.** A building or part thereof housing a maximum of 10 persons, excluding staff, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment which provides supervisory, personal or directed care services. This classification shall include, but not be limited to, the following: residential board and care facilities, assisted living homes, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug abuse centers and convalescent facilities.

Add the following definitions:

**Supervisory Care Service.** General supervision, including daily awareness of resident functioning and continuing needs.

**Directed Care Services.** Care of residents, including personal care services, who are incapable of recognizing danger, summoning assistance, expressing need or making basic care decisions.

- D. **Chapter 4, SPECIAL DETAILED REQUIREMENTS BASED ON USE AND OCCUPANCY**, of the International Building Code is amended to read:

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1. Add a new **Section 427 Residential Care/Assisted Living Homes**, as follows:

**427.1 Applicability.** The provisions of this section shall apply to a building or part thereof housing not more than 10 persons, excluding staff, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment, which provides licensed care services. Except as specifically required by this division, R-4 occupancies shall meet all applicable provisions of Group R-3.

**427.2 General.** Buildings or portions of buildings classified as R-4 occupancies shall meet all the applicable provisions of Group R-3, may be constructed of any materials allowed by this code, shall not exceed two stories in height nor be located above the second story in any building and shall not exceed 2000 square feet above the first story, except as provided in Section 506.

**427.3 Special provision.** R-4 occupancies having more than 2000 square feet of floor area above the first floor shall be of not less than one-hour fire-resistive construction throughout.

**427.3.1 Mixed uses.** R-4 occupancies shall be separated from other occupancies as provided in Table 508.3.3.

### **421.4 Access and Means of Egress Facilities.**

**427.4.1 Accessibility.** R-4 occupancies shall be provided with at least one accessible route per the Arizonans with Disabilities Act.

Exception: Existing buildings shall comply with section 3409. Bathing and toilet facilities need not be made accessible, but shall be provided with grab bars in accordance with ICC/ANSI A117.1.

### **427.4.2 Exits.**

**427.4.2.1 Number of exits.** Every story, basement or portion thereof shall have not less than two exits.

Exception: Basements and stories above the first floor containing no sleeping rooms used by residents may have one means of egress as provided in Chapter 10.

**427.4.2.2 Distance to Exits.** The maximum travel distance shall comply with Section 1016, except that the maximum travel distance from the center point of any sleeping room to an exit shall not exceed 75 feet.

**427.4.2.3 Emergency Exit Illumination.** In the event of a power failure, exit illumination shall be automatically provided from an emergency system powered by storage batteries or an onsite generator set installed in accordance with the ICC Electric Code.

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**427.4.2.4 Emergency Escape and Rescue.** R-4 occupancies shall comply with the requirements of Section 1026, except that exception 1 to Section 1026.1 does not apply to R-4 occupancies.

**427.4.2.5 Delayed Egress Locks.** In R-4 Condition 2 occupancies, delayed egress locks shall be permitted in accordance with Sections 1008.1.3.4 and 1008.1.8.6, items 1, 2, 4, 5 and 6.

### **427.5 Smoke Detectors and Sprinkler Systems.**

**427.5.1 General.** All habitable rooms and hallways and R-4 occupancies shall be provided with smoke alarms installed in accordance with Section 907.2.10.

**427.5.2 Sprinkler Systems.** R-4 occupancies shall be provided with a sprinkler system installed in accordance with Section 903.3.1.3. Sprinkler systems installed under this section shall be installed throughout, including attached garages, and in Condition 2 facilities, shall include concealed spaces of or containing combustible materials. Such systems may not contain unsupervised valves between the domestic water riser control valve and the sprinklers. In R-2 Condition 2 occupancies, such systems shall contain water flow switches electrically supervised by an approved supervising station, and shall sound an audible signal at a constantly attended location.

E. **Chapter 9, FIRE PROTECTION SYSTEMS**, of the International Building Code is amended to read:

1. **Section 901.5 Acceptance tests**, delete the last sentence and replace with the following language: “It shall be unlawful to use, occupy, or furnish any portion of a structure until the fire protection systems of the structure have been tested and approved.”
2. **Section 903.2 Where required**, delete the text of the section, retaining the exception, and replace with the following language: “Except as otherwise exempted by the Fire Chief, including cases of minor repair, minor additions, changes in occupancy and low fire load, a complete automatic sprinkler system shall be installed throughout all new buildings and structures regulated by this code.”

F. **Chapter 10, MEANS OF EGRESS**, of the International Building Code is amended to read:

1. **Section 1010.1.2 Door swing**, delete the text of exception #4 and replace with the following language: “Doors within or serving a single dwelling unit in Groups R-2 and R-3, as applicable in Section 101.2, and R-4.

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G. **Chapter 11, ACCESSIBILITY**, of the International Building Code is amended to read:

1. **Section 1101.1 Scope**, delete the text of the section and replace with the following language: “The provisions of this chapter and the Arizona Revised Statutes (ARS) Section 41-1492 through 41-1492.12 shall control the design and construction of facilities for accessibility to physically disabled persons.
2. **Section 1101.2 Design**, delete the text of the section and replace with the following language: “Buildings and facilities shall be designed and constructed to be accessible in accordance with this code, ICC A117.1, and in accordance with the provisions of the State of Arizona Attorney General Administrative Rules R-10-3-401 through R-10-3-404, whichever standard provides the greater degree of accessibility. This dual-reference provision shall apply in all cases where ICC A117.1 is referenced in this chapter.
3. **Section 1103.2.5 Construction sites**, add the following sentences: “The public portions of temporary sales offices/trailers are required to be accessible. There shall be accessible parking and an accessible route from the accessible parking aisle to the sales office/trailer and throughout the public portion of the sales office/trailer, including the design center. Accessible toilet rooms shall be provided according to this code.”
4. **Section 1109.2.2 Water closet compartment**, add the following sentence: “A baby changing station shall not be located within a water closet compartment.”
5. **Section 1109.3 Sinks**, rewrite the exception to read:
  1. Mop or service sinks are not required to be accessible.
  2. Manufacturing process sinks
  3. Commercial sinks in kitchens, other than hand sinks.

H. **Chapter 16, STRUCTURAL DESIGN**, of the International Building Code is amended to read:

1. **Table 1607.1 MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS AND MINIMUM CONCENTRATED LIVE LOADS**, for item 25 Residential, replace the 30 psf for One- and two-family dwellings Habitable attics and sleeping rooms with 40 psf.

I. **Chapter 29, PLUMBING SYSTEMS**, of the International Building Code is amended to read:

1. **Table 2902.1 MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES**, delete the requirement for a service sink in B (No. 2) and M (No. 6) Occupancies.

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J. **Chapter 31, SPECIAL CONSTRUCTION**, of the International Building Code is amended as follows:

1. **Section 3109 SWIMMING POOL ENCLOSURES AND SAFETY DEVICES**, delete in its entirety.

Section 5-1-3                    Must Conform to Zoning Ordinance <sup>562 588 594</sup>

- A. The issuance of a permit shall not be construed to be a permit for, or an approval of any violation of the provisions of the Town Code, Zoning Ordinance or Special Use Permit. No permit presuming to grant authority to violate the Town Code, Zoning Ordinance, or Special Use Permit is valid.
- B. Whenever any work is being done contrary to the provisions of the Town Code, Zoning Ordinance, or Special Use Permit the Director of Building Inspection shall order the work stopped by notice in writing served on any person engaged in the doing or causing such work to be done. Work shall not begin again until authorized by the Director of Building Inspection.
- C. Notwithstanding any other provision of this Code, the requirements set forth in this chapter shall not apply to governmental buildings or structures.

Section 5-1-4                    Adobe Code <sup>114 562 588</sup>

A. General

The use of unreinforced masonry of unburned clay units shall be limited to buildings of Group R Division 3 and Group U occupancies of no more than one (1) story in height. The design and structural calculations shall be prepared by an architect or engineer. A national recognized standard for adobe construction shall be used.

Section 5-1-5                    Repealed and Reserved <sup>562</sup>

Section 5-1-6                    Arizonans with Disabilities Regulations <sup>439 562</sup>

- A. Standards and specifications set forth in Title 41, Chapter 9, Article 8, Arizona Revised Statutes (Arizonans with Disabilities Act), and its implementing rules, including "Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities", declared a public record by Resolution 899, as applying to public entities, are hereby adopted and incorporated as an amendment to the Town's Building Code, adopted in Section 5-1-1 of the Town Code and made part thereof as though fully set forth therein. Such standards and specifications shall apply to new construction and

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alterations and are not required in buildings or portions of existing buildings that do not meet the standards and specifications.

- B. Standards and specifications set forth in Title 41, Chapter 9, Article 8, Arizona Revised Statutes (Arizonans with Disabilities Act), and its implementing rules, including "Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities", declared a public record by Resolution 899, as applying to public accommodations and commercial facilities, are hereby adopted and incorporated as an amendment to the Town's Building Code, adopted in Section 5-1-1 of this Code, and made part thereof as though fully set forth therein. Such standards and specifications shall apply to new construction and alterations commenced after September 3, 1996.
- C. If a provision of this Section or the rules adopted herein are in conflict with the Town's Building Code, as adopted in Section 5-1-1 or any future Building Code, then the provisions of this Section shall supersede and control.
- D. The owner or his agent is responsible for certifying compliance with this Section on new construction and alterations and to pay, in addition to the applicable permit cost set in the Town's fee schedule, any other costs incurred by the Town associated with ADA inspection or approval of the new construction or alteration.

Section 5-1-7

Fuel-Fired Generators

489 562 590

The use and operation of fuel-fired generators on any construction site, new, existing or remodeling, is hereby prohibited, unless temporary power is unavailable.

**Article 5-2                    RESIDENTIAL CODE**

- 5-2-1 International Residential Code 2015 <sup>588 648 2016-02 2016-11</sup>
- 5-2-2 Amendments <sup>588 612 648 2016-11</sup>
- 5-2-3 Clean-Burning Fireplace Standards <sup>590</sup>
- 5-2-4 Fuel-Fired Generators <sup>590</sup>
- 5-2-5 Crime Prevention Requirements for Residential Buildings, Garages and Accessory Structures

Section 5-2-1                    International Residential Code 2015 Edition

That certain document, known as the International Residential Code, 2015 Edition, three copies of which are on file in the office of the Town Clerk of Paradise Valley, Arizona, is adopted as a part of this chapter as if fully set out in this Section.

Section 5-2-2                    Amendments <sup>588 612 648</sup>

The 2015 International Residential Code shall be amended as follows:

**A. Chapter 1, SCOPE AND ADMINISTRATION**, of the International Residential Code is amended to read:

1. **Section R101.1 Title**, insert the words “Town of Paradise Valley” as the name of jurisdiction.
2. **Section R102.5 Appendices**, add the following sentence: “The provisions of appendices A Sizing and Capacities of Gas Piping, B Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances, and Appliances Listed or Use with Type B Vents, C Exit Terminals of Mechanical Draft and direct-Vent Venting Systems, D Recommended Procedure for Safety Inspection of an Existing Appliance Installation, H Patio Covers, J Existing Buildings and Structures, and M Home Day Care – R-3 Occupancy are hereby adopted.”
3. **Section R104.2 Applications and permits**, delete the word “issue” and replace with the word “grant” in the first sentence.
4. **Section R105.2, Work exempt from permit**, delete item 1, change item 2 to read, “Structures not over 8 inches (20.32 cm) high.” and delete the words “24 inches (610mm)” in sub-paragraph #7 of “Building” and replace with “18 inches (454 mm)”.
5. **Section R105.3.1. Action on application**, delete the word “issue” and replace with the word “grant” in the last sentence

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6. **Section R105.3.2 Time limitation of application**, delete the text of the section and replace with the following language: “An application for a permit for any proposed work shall be deemed to have been abandoned 270 days after the date of filing. The approval of the application shall conclude the application period. From the conclusion of the application period to the granting of the permit shall be not greater than 90 days. There shall be no extensions awarded.”
7. **Section R105.4 Validity of Permit**, delete the words “issuance of” in the first sentence and delete the word “issuance” and replace with “grant” in the third sentence. Add the following sentence to the end of the section: “All nonconformities which may affect health, safety, and welfare must be corrected to the satisfaction of the Director of Building Inspection prior to issuance of a permit.”
8. **Section R105.5 Expiration**, delete the text of the section and replace with the following language:  
551 562 612

“Every permit issued shall become invalid unless the work authorized by such permit is commenced and required inspection(s) are requested by the permittee and approved by the Building Official within 180 days after it’s being granted, or if more than 180 days elapses between approval of required inspections.

Any permittee holding an active permit may apply for an extension of the time within which work may commence or be completed under that permit when the permittee is unable to commence or complete work within the time required by this section. The Building Official may extend the time for either commencement or completion of work by the permittee by granting up to three additional “extension dates” for periods not exceeding 180 days each. On written request by the permittee the Building Official’s granting of each 180 day extension date shall be based on a hardship or other circumstance beyond the permittee’s control and only after payment of the extension date fees specified herein. Permits for swimming pools may be extended more than three times at the discretion of the Building Official when required by the construction sequence.

If a 180-day permit extension date is granted, there will be no charge. If a second 180-day permit extension date is granted, there will be a charge equal to 50% of the original permit fee. If a third 180-day permit extension date is granted, there will be a charge equal to 100% of the original permit fee. A total of no more than three extension dates may be granted.

A permit issued for a non-hillside structure on residential property, including grading for such structure, shall expire nine hundred (900) days after the date of issuance of a building permit and/or a grading permit for such structure. A permit issued for a hillside structure on residential property, including grading for such structure, shall expire twelve hundred sixty (1260) days after the date of issuance of a building permit and/or a grading permit for such structure.

## BUILDING AND CONSTRUCTION

A late fee shall be assessed against any property for which the nine hundred (900) or twelve hundred sixty (1260) day permit has expired. Said late fee shall be in the amount of \$1,000 for each month or part thereof that construction continues past the permit expiration date, including the final extension date, if any, on the building permit. All late fees shall be paid prior to the issuance of a certificate of occupancy.”

9. **Section R106.5 Retention of construction documents**, delete the word “180” and replace with “90”.
10. **Section R108.2 Schedule of permit fees**, delete the words “schedule as established by the applicable governing authority” and replace with “Town of Paradise Valley Fee Schedule, of which three copies are filed with the Office of Clerk”.
11. **Section R108.3 Building permit valuations**, add the following paragraph: “For purposes of determining valuations, the most current building valuation data as stated in the Town of Paradise Valley Master Fee Schedule shall be used.”
12. **Section R108.5 Refunds**, delete the text of the section and replace with the following language: “The Building Official shall be permitted to authorize refunding of a fee paid hereunder which was erroneously paid or collected. The Building Official shall be permitted to authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code. The Building Official shall be permitted to authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended. The Building Official shall not be permitted to authorize refunding of any permit fee paid except upon written application filed by the original permittee not later than 90 days after the date of fee payment.”
13. Add a new section, “**Section R108.6 Work commencing before permit issuance**. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the building official that shall be in addition to the required permit fee. This fee shall be equal to the amount of the permit fee required by the adopted fee schedule. The payment of such fee shall not exempt an applicant from all other provisions of either this code or other requirements nor from the penalty prescribed by law.”
14. **Section R112.1 General**, delete the sentence “The board of appeals shall be appointed by the governing body and shall hold office at its pleasure” and replace with “The board shall be the Town Council.”
15. **Section R112.3 Qualifications**, delete this subsection in its entirety.

## BUILDING AND CONSTRUCTION

16. **Section R114.1 Notice to owner**, delete the text of this section and replace with the following language: “**Authority**. Whenever the Building Official determines that an action being taken is in conflict with this code, or when the violation threatens the health and safety of the public or the environment, he shall cause to be issued a stop work order, which shall prohibit any work or other activity at the site.”
  17. **Section 114.2 Unlawful continuance**, delete the text of this section and replace with the following language: “**Issuance**. The stop work order shall set forth the alleged violations and may list remedies to be taken to correct the violations. The stop work order shall be effective upon issuance and shall remain in effect until a finding is made by the building official that the circumstances giving rise to its order no longer exist.”
  16. Add a new section, “**Section R114.3 Unlawful continuance**. Whenever a stop work order has been posted, no person shall remain in, perform work on, or enter any building that has been so posted. No person shall remove or deface any such notice after it is posted until the required actions have been completed and the order has been removed by the Building Official. It shall be unlawful to violate a stop work order subject to penalties as prescribed by law.”
  17. Add a new section, “**R114.4 Penalty**. Any person who shall violate any of the provisions of this chapter shall be guilty of a class 1 misdemeanor and upon conviction thereof shall be punished by a fine not to exceed two thousand five hundred dollars (\$2,500.00) or by imprisonment for a period not to exceed six months or by both fine and imprisonment. In the alternative to the criminal penalty, civil prosecution may proceed pursuant to Article 1-9 of this Code.”
- B. Chapter 3, BUILDING PLANNING**, of the International Residential Code is amended to read:
1. **Table R301.2(1)**, insert the following design criteria: “Roof Snow Load: 0 psf; Wind speed: 90 mph, Exposure B; Seismic Design Category: B; Weathering: NEGLIGIBLE; Frost Line Depth: 12”; Termite: MODERATE TO HEAVY; Decay: NONE TO SLIGHT; Winter Design Temperature: 34 degrees F; Flood Hazards: National Flood Insurance Program 040049”
  2. **Table R301.5**, change the live load limit for sleeping rooms from 30 psf to 40 psf.
  3. **Section R302.5.1**, add the following sentence, “Doors providing opening protection shall be maintained self-closing and self-latching.”
- C. Chapter 13, GENERAL MECHANICAL SYSTEM REQUIREMENTS**, of the International Residential Code is amended to read:

## BUILDING AND CONSTRUCTION

1. **Section M1307.3**, add an exception that reads: “Exception: Clothes dryers installed in private garages.”
- D. **Chapter 24, FUEL GAS**, of the International Residential Code is amended to read:
1. **Section G2415.12 & G2415.12.1**, delete the text of the section and subsection, and replace with the following language: “Underground piping systems shall be installed a minimum depth of 12 inches below grade for metal piping and 18 inches for plastic piping.”
- E. **Chapter 36, BRANCH CIRCUITS AND FEEDER REQUIREMENTS**, of the International Residential Code is amended to read:
1. **Section E3703.2**, delete the text of the section, retain the exception, and replace with the following language: “A minimum of two 20-ampere-rated branch circuits shall be provided to serve receptacles located in the kitchen, pantry, breakfast area and dining area. The kitchen countertop receptacles shall be served by a minimum of two 20-ampere-rated branch circuits, either or both of which shall also be permitted to supply other receptacle outlets in the kitchen, pantry, breakfast area and dining area, including receptacle outlets for refrigeration appliances. Dishwasher and garbage disposer shall be permitted to be on the same 20-ampere branch circuit.”
- F. **Appendix G, SWIMMING POOLS, SPAS AND HOT TUBS**, of the International Residential Code is amended to read:
1. **Section AG102 Definitions**, delete the definition for “Swimming Pool” and replace with: “Any contained body of water 18 inches (457 mm) or more in depth at any point and that is wider than 8 feet (2400 mm) at any point. This includes in-ground, above ground and on-ground swimming pools and hot tubs and spas.”
  2. **Section AG105.2 Outdoor swimming pool** item 1, revise the text of this subsection to read, “The top of the barrier shall be at least 60 inches (1524 mm) above grade measured on the side of the barrier which faces away from the swimming pool. The top of the barrier that separates the swimming pool only from habitable spaces on the same property shall be at least 48 inches (1219 mm) above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm). The maximum vertical clearance at the bottom of the barrier may be increased to 4 inches (102 mm) when grade is a solid surface such as concrete. The barrier shall be at least 20 inches from the water’s edge.”
  3. **Section AG105.2 Outdoor swimming pool** item 2, add a sentence that reads, “Any decorative design work such as protrusions, indentations or cutouts which make the barrier easily climbable is prohibited.”

## BUILDING AND CONSTRUCTION

4. **Section AG105.2 Outdoor swimming pool** item 4, revise the text to read, “There shall be at least 45” inches between horizontal elements.”
5. **Section AG105.2 Outdoor swimming pool** item 5 is deleted and subsequent items are renumbered.
6. **Section AG105.2 Outdoor swimming pool** item 6 (now 5), add the following sentence, “Chain link fencing shall not be less than 11 gauge.”
7. **Section AG105.2 Outdoor swimming pool** item 8 (now 7), revise the 3<sup>rd</sup> sentence to read, “Gates other than pedestrian access gates shall be lockable.”
8. **Section AG105.2 Outdoor swimming pool** item 9.1 (now 8.1), revise the text to read, “In lieu of the barrier between the dwelling and the swimming pool, the swimming pool shall be equipped with a powered safety cover in compliance with ASTM F1346; or”
9. **Section AG105.2 Outdoor swimming pool** item 9.3 (now 8.3), add the following sentence, “Self-closing and self latching devices shall be installed on all doors with direct access to the pool area, with the release mechanism located a minimum of fifty-four inches above the floor.”
10. **Section AG105.2 Outdoor swimming pool**, add a new item 10 that reads, “10. Pet doors which provide direct access to the pool area are prohibited unless they meet the requirements of AG105.2 item 2 or are equipped with an alarm that meets AG105.2 item 8.2.”
11. **Section AG105.2 Outdoor swimming pool**, add a new item 11 that reads, “11. “Windows with access to the pool areas will be protected in the following ways:
  1. Emergency escape or rescue windows from sleeping areas with access to the swimming pool will be equipped with a latching device not less than fifty-four inches above the floor.
  2. All other openable windows with similar access will also be equipped with a latching device not less than fifty-four inches above the floor or shall be equipped with key lock device that prevents opening the window more than four inches.”

Section 5-2-3

Clean-Burning Fireplace Standards

450 562 590

- A. The purpose of this section is to regulate fireplaces, woodstoves or other solid-fuel burning devices to reduce the amount of air pollution caused by particulate matter and carbon monoxide.
- B. For purposes of this section, the following words and terms shall be defined as follows:

## BUILDING AND CONSTRUCTION

1. "Fireplace" means a built in place masonry hearth and fire chamber of a factory-built appliance, designed to burn solid fuel or to accommodate gas or electric log insert or similar device, and which is intended for occasional recreational or aesthetic use, not for cooking, heating, or industrial processes.
  2. "Solid Fuel" includes but is not limited to wood, coal, or other nongaseous or nonliquid fuels, including those fuels defined by the Maricopa County Air Pollution Control Officer as "inappropriate fuel" to burn in residential woodburning devices.
  3. "Woodstove" means a solid-fuel burning heating appliance including a pellet stove, which is either freestanding or designed to be inserted into a fireplace.
- C. No person, firm or corporation shall construct or install a fireplace or a woodstove, and the Building Official shall not approve or issue a permit to construct or install a fireplace or a woodstove, unless the fireplace or woodstove complies with one of the following:
1. A fireplace which has a permanently installed gas or electric log insert.
  2. A fireplace, woodstove or other solid-fuel burning appliance which has been certified by the United States Environmental Protection Agency as conforming to 40 Code of Federal Regulations Part 60, Subpart AAA as in effect on July 1, 1990.
  3. A fireplace, woodstove or other solid-fuel burning appliance which has been tested and listed by a nationally recognized testing agency to meet performance standards equivalent to those adopted by 40 Code of Federal Regulations Part 60, Subpart AAA as in effect on July 1, 1990.
  4. A fireplace, woodstove or other solid-fuel burning appliance which has been determined by the Maricopa County Air Pollution Control Officer to meet performance standards equivalent to those adopted by 40 Code of Federal Regulations Part 60, Subpart AAA as in effect on July 1, 1990.
  5. A fireplace which has a permanently installed woodstove insert which complies with paragraphs 2, 3, or 4 above.
- D. The following installations are not regulated by this section and are not prohibited by this section:
1. Furnaces, boiler, incinerators, kilns, and other similar space heating or industrial process equipment.
  2. Cookstoves, barbecue grills, and similar appliances designed primarily for cooking.
  3. Fire pits, barbecue grills, and other outdoor fireplaces.

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- E. No person, firm or corporation shall alter or remove a gas or electric log insert or a woodstove insert from a fireplace for purposes of converting the fireplaces to directly burn wood or other solid fuel. No person, firm or corporation shall alter a fireplace, woodstove or other solid fuel burning appliance in any manner that would void its certification or operational compliance with the provision of this section.
- F. In addition to the provisions and restrictions of this section, construction, installation or alteration of all fireplaces, woodstoves and other gas, electric or solid-fuel burning appliances and equipment shall be done in compliance with provisions of the Town's Building Code and shall be subject to the permits and inspections required by the Town's Building Code.

### Section 5-2-4 Fuel-Fired Generators 489 562 590

The use and operation of fuel-fired generators on any construction site, new, existing or remodeling, is hereby prohibited, unless temporary power is unavailable.

### Section 5-2-5 Crime Prevention Requirements for Residential Buildings, Garages and Accessory Structures 28 562 588

#### A. Scope of Section

The provisions of this Section shall apply to (a) all residential buildings, garages, and accessory structures for which a building permit has not been issued prior to the effective date of this Section, as provided by Article XV of the Town Zoning Ordinance, and (b) the replacement or addition of any exterior door, exterior door hinge, exterior door frame, exterior door lock, exterior door lock strike plate, sliding glass door, window, address number sign or marker, and garage door, or ingress on any residential building, garage or accessory structure.

#### B. Construing this Section with Other Laws

The provisions of this Section shall be construed to be in harmony with the International Residential Code, as adopted by this Article, and the Town Zoning Ordinance, where possible. If a provision of this Section is held to be in conflict with the International Residential Code or the Zoning Ordinance, then the provision or provisions of this Section shall supersede and control.

#### C. Doors

##### 1. Exterior Doors

## BUILDING AND CONSTRUCTION

All exterior doors, except sliding glass doors or metal doors, with or without decorative molding, shall be solid core wood doors and shall be at least the following thickness:

- flush doors 1 3/4 inches
- panel doors 1/2 inches at the panels
- 1 3/4 inches in all other areas

### 2. Hinges

All exterior door hinges shall be mounted with the hinge on the interior of the building; except where a non-removable pin hinge or stud bolt is used, such hinge may be installed with the hinge facing the exterior of the building.

### 3. Frames

All exterior door frames shall be at least 1 inch actual thickness.

### 4. Locks<sup>161</sup>

All exterior doors shall be equipped with at least one exterior key operated dead bolt with at least a 1 inch throw and security device on the exterior to protect the cylinder from a twist attack. All windows should be capable of being opened at all times from the inside without the use of keys.

### 5. Strike Plate Lock Area

- a. The shim space between the door buck and door frame shall have a solid wood filler 12 inches above and below the strike plate area to resist breaking by force applied to the door frame.
- b. Screws securing the strike plate area shall pass through the strike plate, door frame, solid wood filler and enter the buck place by a minimum of 1/4 inch, or equivalent anchorage in other types of construction.

### 6. Door Viewers

A door viewer with a minimum field of view of 180 degrees shall be installed at the major entrance or in the front door.

### 7. Glass in Exterior Doors

No glass may be used on any exterior door or window within thirty-six inches of any door lock, except:

## BUILDING AND CONSTRUCTION

- a. That glass shall be replaced with the same thickness of polycarbonate sheeting of an approved type.
- b. Where the exterior door has two separate locks, and each of the two locks has a dead bolt that extends at least one inch into the strike frame.
- c. French doors: French doors shall have a concealed header and threshold bolt in the stationary, or first closed door, on the door edge.
- d. Dutch doors: Dutch doors shall have concealed header securing device interlocking the upper and lower portions of the door edge on the door strike, except:
  1. If a double cylinder lock is provided on the upper and lower sections of the door, then the header bolt may be omitted.
- e. Sliding glass doors: Sliding glass doors shall be installed so as to prevent lifting and removal of either glass panel from the frame from the exterior of the building. All sliding glass doors shall have a supplementary lock.
- f. Ingress/access panels: All exterior ingress/access panels that provide a means of access to the interior of the home shall have a keyed or combination locking device.

### 8. Windows

All nonstationary windows larger than 12" x 15" must have at least one supplemental locking device.

### 9. Address Marking

The house number shall be displayed in a prominent manner so that it is reasonably visible from the road in front of the house to enable emergency vehicles to locate the residence.

### 10 Keying Requirements During Construction

Each contractor or party building a structure for occupancy shall use a keying system during construction that incorporates either:

- a. A construction cylinder that will be removed upon occupancy by the owner or renter, or new cylinders, and all keys shall be furnished to the owner or occupant;

## BUILDING AND CONSTRUCTION

- b. A cylinder system that admits construction keys during construction, but upon occupancy, the owner's key will reset the pin system to prevent the use of the construction key.

### 11. Garage Doors

- a. Each metal, wooden or composition garage door, whether overhead, roller-type, swinging or sliding, shall be so equipped that it is capable of being locked. Specific locking devices to be employed shall be of one or more of the following types: throwbolt or flushbolt; cylinder-type lock; padlock and hasp; or an electronic power-operated mechanism with automatic locking device.
- b. Every garage door shall be capable of being opened at all times from inside of the garage without the use of a key or electrical power.

### **Article 5-3                    ELECTRICAL CODE**

- 5-3-1 National Electrical Code; Electrical Code 2014; International Code Council  
Electrical Code Administrative Provisions 2006<sup>489 562 588 648</sup> 2016-02
- 5-3-2 Amendments<sup>588</sup>

Section 5-3-1                    National Electrical Code 2014<sup>143 356 489 562 588 648</sup> 2016-02 2016-11

That certain document, known as the National Electrical Code 2014 and the International Code Council Electrical Code Administrative Provisions 2006, three copies of which are on file in the office of the Town Clerk of Paradise Valley, Arizona, is adopted as part of this Chapter as if fully set out in this Section.

Section 5-3-2                    Repealed<sup>2016-11</sup>

**Article 5-4**                    **MECHANICAL CODE**

- 5-4-1 International Mechanical Code 2015<sup>489 562 588 648</sup> 2016-02
- 5-4-2 Amendments<sup>588 648</sup>

Section 5-4-1                    International Mechanical Code 2015<sup>31 95 143 356 489 562 588 648</sup> 2016-02

That certain document, known as the International Mechanical Code 2015, three copies of which are on file in the office of the Town Clerk of Paradise Valley, Arizona, is adopted as part of this Chapter as if fully set out in this Section.

Section 5-4-2                    Amendments<sup>588 648</sup>

The 2015 International Mechanical Code shall be amended as follows:

A. **Chapter 1, ADMINISTRATION**, of the International Mechanical Code is amended to read:

1. **Section 101.1 Title**, insert the words “Town of Paradise Valley” as the name of jurisdiction.
2. **Section 106.4.3 Expiration**, delete the text of the section and replace with the following language: “Every permit issued shall become invalid unless the work authorized by such permit is commenced and required inspection(s) are requested by the permittee and approved by the Building Official within 180 days after its being granted, or if more than 180 days elapses between approval of required inspections. The Building Official shall be authorized to grant one extension of time for a period not to exceed 180 days. Permits shall not be extended more than once and all requests for extensions shall be in writing.”
3. **Section 106.4.4 Extensions**, delete in its entirety.
4. **Section 106.5.2 Fees**, insert the following language, “Town of Paradise Valley Master Fee Schedule”.
5. **Section 106.5.3 Fee refunds**, delete the text of the section and replace with the following language: “The Building Official shall be permitted to authorize refunding of a fee paid hereunder which was erroneously paid or collected. The Building Official shall be permitted to authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code. The Building Official shall be permitted to authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended. The Building Official shall not be permitted to authorize refunding of any fee paid except upon written

## BUILDING AND CONSTRUCTION

application filed by the original permittee not later than 90 after the date of fee payment.”

6. **Section 108.4 Violation penalties**, delete in its entirety.
  7. **Section 108.5 Stop work orders**, delete the last sentence.
  8. **Section 109 MEANS OF APPEAL**, delete in its entirety.
- B. **Chapter 3, GENERAL REGULATIONS**, of the International Mechanical Code is amended to read:
1. **Section 304.3 Elevation of ignitions sources**, add an exception that reads:  
“Exception: Clothes dryers installed in private garages.”

**Article 5-5**                    **PLUMBING CODE**

- 5-5-1 International Plumbing Code 2015<sup>489 588 648</sup> 2016-02 2016-11
- 5-5-2 Amendments<sup>489 588 648</sup>

Section 5-5-1                    **International Plumbing Code 2015**<sup>29 95 143 356 489 588 648</sup> 2016-02

That certain document known as the International Plumbing Code 2015, three copies of which are on file in the office of the Town Clerk of Paradise Valley, Arizona, is adopted as part of this chapter as if fully set out in this Section.

Section 5-5-2                    **Amendments**<sup>143 197 489 588 648</sup>

The International Plumbing Code 2015 is hereby amended as follows:

A. **Chapter 1, ADMINISTRATION**, of the International Plumbing Code is amended to read:

1. **Section 101.1 Title**, insert the words “Town of Paradise Valley” as the name of jurisdiction.
2. **Section 106.5.3 Expiration**, delete the text of the section and replace with the following language: “Every permit issued shall become invalid unless the work authorized by such permit is commenced and required inspection(s) are requested by the permittee and approved by the Building Official within 180 days after its being granted, or if more than 180 days elapses between approval of required inspections. The Building Official shall be authorized to grant one extension of time for a period not to exceed 180 days. Permits shall not be extended more than once and all requests for extensions shall be in writing.”
3. **Section 106.5.4 Extensions**, delete in its entirety.
4. **Section 106.6.2 Fee schedule**, insert the following language, “Town of Paradise Valley Master Fee Schedule”.
5. **Section 106.6.3 Fee refunds**, delete the text of the section and replace with the following language: “The Building Official shall be permitted to authorize refunding of a fee paid hereunder which was erroneously paid or collected. The Building Official shall be permitted to authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code. The Building Official shall be permitted to authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or

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canceled before any examination time has been expended. The Building Official shall not be permitted to authorize refunding of any fee paid except upon written application filed by the original permittee not later than 90 after the date of fee payment.”

6. **Section 108.4 Violation penalties**, delete in its entirety.
  7. **Section 108.5 Stop work orders**, delete the last sentence.
  8. **Section 109 MEANS OF APPEAL**, delete in its entirety.
- B. **Chapter 4, FIXTURES, FAUCETS, AND FIXTURE FITTINGS**, of the International Plumbing Code is amended to read:
1. **Table 403.1 Minimum number of fixtures**, delete the requirement for a service sink in B (No. 2) and M (No. 6) Occupancies.
  2. **Section 410.4 Approval**, delete the last sentence and replace with the following language: “In other occupancies, where drinking fountains are required, bottle water dispensers or water coolers shall be permitted to be substituted.”
- C. **Chapter 12, SPECIAL PIPING AND STORAGE SYSTEMS**, of the International Plumbing Code is amended to read:
1. **Section 1202 Medical Gases** Add a new section, as follows:  
**1202.1.1. Level 3 dental facilities.** Vacuum piping installed under an on-grade floor shall be installed in compliance with recommendations and drawings prepared by a registered design professional and contained within the dental equipment manufacturer’s specifications and details, and with the otherwise applicable provisions of NFPA 99C – 2005. All drawings and specifications shall be sufficiently comprehensive as to provide prescriptive installation criteria. Special inspection in accordance with IBC Section 1704.1 shall be provided.

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**Article 5-6**     **PROPERTY MAINTENANCE CODE** <sup>33 356 489 562 588 648</sup> 2016-02

- 5-6-1            International Property Maintenance Code 2015 <sup>588 648</sup> 2016-02
- 5-6-2            Amendments <sup>588 648</sup>

Section 5-6-1            **International Property Maintenance Code 2015** <sup>588 648</sup> 2016-02

That certain document, entitled International Property Maintenance Code 2015, three copies of which are on file in the office of the Town Clerk of Paradise Valley, Arizona, is adopted as part of this Chapter as if fully set out in this Article.

Section 5-6-2            **Amendments** <sup>588 648</sup>

The International Property Maintenance Code 2015 is hereby amended as follows:

- A. **Chapter 1, ADMINISTRATION**, of the International Property Maintenance Code is amended to read:
  - 1. **Section 101.1 Title**, insert the words “Town of Paradise Valley” as the name of jurisdiction.
  - 2. **Section 102.3 Application of other codes**, delete the text of the section and replace with the following language: “Repairs, additions, or alterations to a structure, or changes in occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Residential Code, International Electric Code, International Mechanical Code and/or International Plumbing Code.”
  - 3. **Section 103.5 Fees**, insert the following language, “Town of Paradise Valley Master Fee Schedule”.
  - 4. **Section 111 MEANS OF APPEAL**, delete in its entirety.

## BUILDING AND CONSTRUCTION

### **Article 5-7**                    **FUEL GAS CODE**

- 5-7-1                    International Fuel Gas Code 2015 <sup>588 648 2016-02 2016-11</sup>
- 5-7-2                    Amendments <sup>588 648</sup>

#### Section 5-7-1                    **International Fuel Gas Code 2015** <sup>588 648 2016-02</sup>

That certain document known as the International Fuel Gas Code 2015, three copies of which are on file in the office of the Town Clerk of Paradise Valley, Arizona, is adopted as part of this Chapter as if fully set out in this Article.

#### Section 5-7-2                    **Amendments** <sup>588 648</sup>

The International Fuel Gas Code 2015 is hereby amended as follows:

- A. **Chapter 1, ADMINISTRATION**, of the International Fuel Gas Code is amended to read:
  - 1. **Section 101.1 Title**, insert the words “Town of Paradise Valley” as the name of jurisdiction.
  - 2. **Section 106.6.2 Fees**, insert the following language, “Town of Paradise Valley Master Fee Schedule”.
  - 3. **Section 106.5.3 Expiration**, delete the text of the section and replace with the following language: “The Building Official shall be permitted to authorize refunding of a fee paid hereunder which was erroneously paid or collected. The Building Official shall be permitted to authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code. The Building Official shall be permitted to authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended. The Building Official shall not be permitted to authorize refunding of any fee paid except upon written application filed by the original permittee not later than 90 after the date of fee payment.”
  - 4. **Section 108.4 Violation penalties**, delete in its entirety
  - 5. **Section 108.5 Stop work orders**, delete the last sentence.
  - 6. **Section 109 MEANS OF APPEAL**, delete in its entirety.

# BUILDING AND CONSTRUCTION

## Article 5-8

### BUILDING

169 183 199 373 380 430 459 478 489 513 543 571 572 588

- 5-8-1 When Required <sup>543 572 588</sup>
- 5-8-2 Form <sup>588</sup>
- 5-8-3 Revocation
- 5-8-4 Native Plant Preservation <sup>577</sup>
- 5-8-5 Demolition <sup>515 594</sup>

### Section 5-8-1 When Required; Compliance with Tax Regulations and Other Town Code Provisions; Suspension or Revocation of Permit <sup>543 572 588</sup>

- A. Building permits for construction of residences in new subdivisions shall not be issued until the installation of all utilities, streets and other offsite improvements have been completed and accepted by the Town, except in those instances where the Council, in its sole discretion, determines that preservation of scenic or natural resources will benefit from the phasing of utilities, streets and other selected offsite improvements. When such preservation is desired, the utilities, streets, and other offsite improvements to be phased shall be properly noted on the final plat, along with the lots that are designated for development in each such phase.
- B. Compliance with Town Tax Code Provisions: No building permit shall be issued to any person, firm, corporation, partnership, joint venture or any related party, firms, corporations, partnerships, or joint ventures, however legally organized or constituted, who has been determined by the Town Manager or his designee to owe the Town Transaction Privilege Taxes pursuant to the provisions of the Town Tax Code.
  - 1. Unless the applicant for a building permit has entered into a written agreement relating to payment of the tax obligation and is at the time of the submittal of the building permit application current in making all payments required under the terms of such agreement.
  - 2. A building permit issued to any person, firm, corporation, partnership, joint venture or any related party firms, corporations, partnerships, or joint ventures, however legally organized or constituted that is subject to a written agreement relating to the payment of tax obligations as referenced above may be suspended or revoked by the Town Manager or his designee upon the failure of the person, firm, corporation, partnership, joint venture or any related party to make any payments pursuant to the agreement.

### Section 5-8-2 Form

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- A. An application for a building permit shall be made by the owner or lessee, or agent of either. If such application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner in fee that the proposed work is authorized by the owner in fee and that the person making the application is authorized to make such application as agent of the owner.
- B. An application shall contain the full names and addresses of the applicant and of the owner, and, if the owner is a corporate body, of its responsible officers.

### Section 5-8-3            Revocation

The Director of Building Inspection under the provisions of this Article whenever there has been any false statement or misrepresentation as to a material fact in the application or plans upon which the permit or approval was based.

### Section 5-8-4            Native Plant Preservation<sup>577</sup>

To insure mature protected native plants are not unnecessarily destroyed or removed the Town requires native plant preservation. Upon application for a building permit for all new construction and additions over \$500,000 in value and all demolition and grading permits an applicant must first complete a Native Plant Preservation Plan. No person shall destroy, mutilate, remove from the premises, or relocate to another place on the premises any protected native plant during construction within the Town without first submitting a Native Plant Preservation Plan according to the terms of this Article.

#### A. Protected native plants

Trees which are over four (4) inches in caliper of the following species:

Acacia Constricta	White Thorn Acacia
Acacia Greggii	Catclaw Acacia
Cercidium Microphyllum	Foothill Palo Verde
Cercidium Floridum	Blue Palo Verde
Olneya Tesota	Ironwood
Prosopis Species	Mesquite

Cacti which are three (3) feet or greater in height of the following species:

Carnegiea Gigantean	Saguaro
Ferocactus Species	Barrel
Fouquieria Splendens	Ocotillo
Peniocereus Greggii	Desert Night Blooming Cereus

#### B. Native plant permit

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The Town Manager or designee shall prescribe and provide an application form for use by applicants as required by this Article. Additional information may also be required by the Town Manager or his designee in order to insure that the purpose of this section is fulfilled.

1. Native plant inventory, containing:
  - a. Aerial photograph and/or site plan showing the location of all protected native plants within the area of disturbance.
  - b. List of the number, species, size, general condition, and salvage status of all protected native plants within the area of disturbance.
2. Native plant relocation narrative containing information on the proposed location or relocation of all protected native plants.

### C. Penalties

Failure to comply with the requirements of the Native Plant Preservation Plan shall cause immediate suspension of all inspection activity. In addition, any violation of this section is a Class 1 Misdemeanor which, upon conviction, may be punishable by a fine not exceeding two thousand five hundred dollars (\$2,500.00), or by imprisonment for a term not to exceed six (6) months, or by both such fine and imprisonment. Each day this violation continues shall constitute a separate offense.

### Section 5-8-5            Demolition

#### A.    Definitions.

1. “Demolition” means to destroy, tear down, raze, level, or wreck, or remove any building or structure.
2. “Partial Demolition” means to destroy, tear down, level or raze any portion of an existing building or structure, including walls for additions, remodels, alterations or repairs, excluding but not limited to, painting, flooring, and cabinets or appliances.
3. “Structure Moving” means to detach a building or structure from the surface of the ground for the purpose of moving the building or structure to a different location on the same parcel or to any other parcel in the Town or outside of the Town.

#### B.    Demolition of Buildings.

It shall be unlawful for any person to commence any interior or exterior demolition or partial demolition of any building or structure, or move or relocate any building or structure within the Town without first obtaining a demolition permit from the Town. The fee for a demolition permit shall be as set forth in the Paradise Valley Fee Schedule.

## BUILDING AND CONSTRUCTION

### C. Application for Permit and Terms of Permit.

1. An application for a demolition permit shall be submitted in such form as the Town Building Official may prescribe.
2. An application alone shall not vest an individual with a right to begin demolition. No demolition shall take place prior to the issuance of a valid permit by the Town Building Official.
3. A permit may be granted to a licensed contractor in the State of Arizona or the owner of the property in question.
4. Demolition permits shall be valid for a period of six (6) months from the date of issuance.
5. It shall be unlawful to permit a structure to remain detached from the surface of the ground and remain on the site for more than 30 days. Given the strict timing limits, an applicant who intends to move a building or structure should simultaneously obtain a Structure Moving Permit pursuant to Section 11-6 of this Code, and if required, a Right -of-Way permit pursuant to Section 5-10-1 A of this Code.
6. It shall be unlawful for demolished buildings or structures, or demolition debris to remain on the site after work has been completed for more than 7 days, unless the debris is stored completely within a portable metal storage container, in which case the debris and container may not remain on site for more than 30 days.

### D. Performance Bond.

When a building is permitted to be demolished, either entirely or partially, pursuant to this chapter, the permittee may be required to post a cash bond or other form of assurance acceptable to the Town, as security for damage to Town property, restoration of the site, and any damage to adjoining property, both public and private, completion of the relocation of a building or structure. The amount of the bond shall be in an amount, as determined by the Town Building Official, which shall be sufficient to complete the demolition and restore the site to its conditions prior to development, and repair any damage to adjoining property, as well as any additional amount as determined necessary by the Town Building Official based upon unusual circumstances or other factors. When such “conditions prior to development” cannot be determined by photographs or other means, the site shall be restored based on the prevailing condition of the remainder of the lot.

### E. Dust Control.

Prior to the issuance of a demolition permit, the owner or contractor causing or performing demolition, must furnish a written plan, approved by Maricopa County, specifying the methods or means of controlling dust in accordance with Maricopa County Regulation III,

## BUILDING AND CONSTRUCTION

Rule 310 Fugitive Dust Sources. For the purposes of this section, dust means all fugitive particulate matter as defined by applicable Maricopa County Fugitive Dust Regulations.

The following dust control measures must be adhered to beyond those required by Maricopa County:

1. A water truck, or other means of controlling dust, shall be used as often as necessary to prevent fugitive dust.
2. Street cleaning measures shall be utilized as often as necessary to maintain adjacent public rights-of-way in original condition prior to demolition. As a part of the Demolition Permit application, photos of the adjacent rights-of-way must be submitted for public record.

### F. Permit Requirements.

The permittee shall comply with the following requirements before a permit may be issued under this section:

1. Two copies each, of the site plan and floor plan shall be submitted to the Town depicting the detail of the existing on-site structures, including the total square footage of the existing structure and the total square footage of those portions which are to be demolished, the location of any washes or other drainageways that are on the property, and the location of any trees or vegetation that are located in the Town rights-of-way.
2. Photographs of the existing property, along with the adjacent public rights-of-way at intervals of 100 feet, shall be provided to the Town. These photographs shall be labeled as to the direction taken and their locations shall be recorded on a site plan depicting the subject property and all adjacent properties.
3. The location and extent of a demolition may require that a security fence be installed during the demolition process if deemed necessary by the Town Building Official. The fence shall be, at a minimum, chain link fence to a height of six (6) feet above grade with a screening material of a color that complements the natural desert vegetation, and which provides a maximum of 20% opacity. The screening material shall be attached to the outside of the fence and shall be the same height as the fence.
4. If a grading permit is required, pursuant to Article 5-10-5 of this Code, it shall be obtained in conjunction with a demolition permit.
5. If applicable, proof of asbestos inspection by an AHERA-certified asbestos building inspector shall be submitted to the Town.

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6. Dust control plan meeting the requirements of Rule 310 of the Maricopa County Air Pollution Control Regulations, as amended.
7. Erosion control plan depicting methods for earth stabilization during demolition and construction process.

### G. Restrictions Applicable to Demolitions.

1. If applicable, all utility companies shall be notified in writing by the owner of the property of the intention to demolish the building or structure, copies of which shall be submitted to the Town.
2. Any existing pool or spa shall be properly fenced and maintained or properly demolished and filled with proper fill. Fill material shall be compacted to at least 95% compaction.
3. Any alteration of an existing watercourse, arroyo, or wash upon the lot or parcel, including the natural path water takes when flowing across or from the property, shall be prohibited unless authorized by the Town Engineer pursuant to Section 5-10-5(B)(2a)(e) of this Code.
4. Compliance with all regulations applicable to construction site management as promulgated by the Community Development Director shall be required.

### H. Final Inspection.

Before any demolition receives final inspection approval from the Town and before the pertinent bonds or assurances are released, the following requirements shall be met:

1. All loose material involved in the demolition process shall be removed from the lot or parcel, including all concrete, footings, slabs, weeds, debris, and stone.
2. All filled areas shall be restored to a minimum 95% compaction.
3. All basements, pools, tanks, sumps, underground storage tanks, or other subterranean structures shall be removed and backfilled and properly graded or filled with proper material.
4. All public or private property damaged during the demolition process, including street, curb, gutter, pavement, sidewalks and landscaping shall be completely restored.
5. In the case of partial demolition to a non-conforming structure the property owner shall provide the Town Building Official with evidence of a "Special Notice" having been recorded with the Maricopa County Recorder's office, indicating the percentage of the original non-conforming structure to which structural

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modifications were made, and that future owners should review the provisions regarding non-conforming structures contained in the Paradise Valley Zoning Code.

6. Spill slopes or rock surfaces that will be exposed for a period of six months or longer shall be treated with “Eonite” or other approved coloring treatment to blend with the natural desert color.
7. If construction on a demolished area will not take place for a period of 3 months or more after demolition, the property owner shall submit to the Town a detailed plan that will properly address erosion and dust control measures at the subject property.

### **Article 5-9 ENERGY CONSERVATION CODE** <sup>588 648</sup>

- 5-9-1 International Energy Conservation Code 2015 <sup>588 648</sup>
- 5-9-2 Amendments <sup>588</sup>

#### Section 5-9-1 International Energy Conservation Code 2015 <sup>648</sup>

That certain document known as the International Energy Conservation Code, 2015, three copies of which are on file in the office of the Town Clerk Of Paradise Valley, Arizona, is adopted as part of this Chapter as if fully set out in this Section.

#### Section 5-9-2 Amendments

A. **Chapter 1, ADMINISTRATION**, of the International Energy Conservation Code is amended to read:

1. **Section 101.1 Title**, insert the words “Town of Paradise Valley” as the name of jurisdiction.

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### Article 5-10 DEVELOPMENT

- 5-10-1 Right-of-way Permits and Encroachments
- 5-10-2 Uniform Standard Specifications and Details
- 5-10-3 Storm Drain Design <sup>2018-14</sup>
- 5-10-4 Blasting Operations<sup>483, 2018-13</sup>
- 5-10-5 Grading And Dust Control Regulations <sup>594, 2018-14</sup>
- 5-10-6 Drilling Permits, Restrictions And Penalties
- 5-10-7 Dedication of Public Right-of-Way; Drainage Easements, and other Requirements <sup>571</sup>
- 5-10-8 Required Improvements

#### Section 5-10-1 Right-of-way Permits and Encroachments

##### A. Permits Required <sup>132 452 462</sup>

1. Unless otherwise provided by this Code or applicable law, it is unlawful for any person, political subdivision or utility without first having obtained a permit from the Town to perform any work on, over or under the right-of-way of any public road, street or alley. Right-of-way includes, but is not limited to, the air space above the surface and the area below the surface of any public roads, streets, sidewalks or recreation paths and public ways.

Each permit shall be limited to a specific site and duration. Public utilities may be granted annual permits.

2. Continuing or permanent use, work or encroachment in a right of way, road, street or alley, drainageway or easement shall be unlawful without an encroachment permit issued by the Town Engineer after compliance with the provisions of this Article and Town Code.
3. Any public service corporation or public utility which desires to occupy or use the rights of way within the town for facilities or system shall first obtain a permit from the Town.
4. Permits and permittees shall conform to this Code and rules, regulations and procedures adopted by the Town Engineer, subject to review and approval by the Town Council. A permit shall become automatically void if the work authorized by the permit is not begun within ninety (90) days from the date of issuance of the permit unless a different period is stated in the permit. No permit may be sold, transferred, assigned or exchanged in any manner without prior approval of the Town. A permit may be revocable or conditional. <sup>462</sup>

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### B. Fees <sup>132 144 452</sup>

All permit fees and plan checking fees shall be those prescribed in the Town of Paradise Valley Fee Schedule. These fees shall reimburse the Town for its permit and inspection activities and for costs reasonably related to the costs or damages incurred by or accruing to the Town in connection with the grant and administration of the permit and activities pursuant to the permit.

### C. Standards for Construction, Installation and Maintenance <sup>132 452 518</sup>

1. Any person, political subdivision, or utility who excavates, bores, or removes pavement, sidewalk, bicycle or recreation path, curb or gutter in a right-of-way must comply with the provisions of Section 5-10-2 and any amendments thereto. When completed all construction and installation must be called in to the Public Works Department within twenty-four hours for inspection.
2. All installation of facilities shall be per plans approved by the Town. No facilities shall be installed, maintained or used in such a manner as to damage or unreasonably interfere with traffic, other authorized uses over, under or through the rights of way, or the Town's placement, construction, use or maintenance of its rights of way. The Town reserves the prior right to construct, operate and maintain its rights of way. Facilities will be relocated as requested by the Town in the exercise of its police powers at the expense of the owner of the utility unless expressly required otherwise by law.
3. To maximize public and worker safety, to minimize visual clutter, to minimize the amount of disturbance in and along the rights of way, and to the extent authorized by law, permittees shall utilize joint trenches and otherwise coordinate activities to minimize disruption of traffic and damage to the right of way.
4. To prevent unnecessary disruption and damage to streets and rights-of way the Council may designate, by resolution, certain streets to prohibit excavation within the right-of- way, from edge of pavement to edge of pavement, for a period determined to be appropriate but for no more than five (5) years.
5. Exception: Emergency excavations made pursuant to Section 5-10-1 E of this Code.
6. <sup>521</sup> Any person, utility, political subdivision, or other entity ("Entity") permitted to perform any excavation pursuant to this Article shall be responsible for the maintenance of such excavation's street repair and patches. Such responsibility shall include, but not be limited to, any sinking, fraying, unraveling, or deterioration of the repair or patch for a period of five years. The five-year maintenance period shall commence upon final inspection by the Town. Upon notification by the Town of the failure of such a repair or patch, the required

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maintenance shall be repaired within a reasonable time limit as determined by the Town. Failure of the entity to complete the required repairs within the time allotted may result in the Town making the repair and billing said entity for all costs and expenses incurred while restoring the repair or patch; said entity agreeing to pay such loss or liability by virtue of its application for a right-of-way permit. Any applicant for a right-of-way-permit who has defaulted on the maintenance of a prior repair or patch shall not be issued a new right-of-way permit until the prior patch is restored or repaired, or the Town reimbursed for costs and expensed incurred to restore or repair the patch.

### D. Assurances <sup>132 452</sup>

A permit must not be granted unless the Town has received and approved a form of financial assurance satisfactory to the Town which places the Town in a position to restore the right-of-way under the standards of Section 5-10-2. A permittee shall provide evidence of insurance satisfactory to the Town to protect against loss or damage arising out of or related to work performed, or failure to perform, under the permit. No work shall commence unless the requirements of this Article have been satisfied.

### E. Special Procedures <sup>132 438 524</sup>

1. Compliance with the responsibilities contained within Section 5-10-1 A shall be required whenever excavation or construction is necessary in response to an emergency situation. The requirements set forth in Section 5-10-1 A shall become effective at the hour of 9:00 A.M. on the first business day after the emergency work is started. In addition, the Paradise Valley Police Department shall be notified immediately after it is determined that it will be necessary to perform emergency work in the right or way. Furthermore, the Paradise Valley Police Department shall be notified whenever any portion of the emergency work is to be performed outside the hours of sunrise to sunset.
2. Each person, political subdivision, or utility excavating or constructing under the terms of Section 5-10-1 A must use safety and traffic procedures by complying with the traffic control manual for highway construction and maintenance published by the Arizona Department of Transportation or other guideline established by the Town, and comply with all conditions, stipulations and requests for inspection, information, plans or other matters related to the application, the permit or work.
3. The permit may be suspended or revoked by the Town Engineer in accordance with procedures which afford due process and for any of the following related to the permitted work or property(ies) which may connect therewith:
  - a. Noncompliance with this Article, the Town Code or applicable law, regulations, or instructions from the Town;

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- b. Noncompliance with the terms of the permit, conditions or stipulations, application, or representations by the permittee;
  - c. Construction, operation, use, condition or effect which may cause or constitute a detrimental impact on persons, property or the community, or adversely affect public safety, health or welfare, or the best interests of the Town.
4. A permittee may appeal the decision of the Town Engineer to the Town Council by filing a Notice of Appeal within ten (10) days of the date of the Engineer's decision. The decision of the Council is final.

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### F. Placement of Facilities

1. All utilities and facilities except cable television lines must be buried at least twenty-four inches below finished grade. Cable television lines must be buried at least eighteen inches below finished grade. Except as permitted by the Zoning Ordinance no new, different or additional above ground poles or facilities, and no taller poles or facilities, will be permitted in the rights of way. New poles used only to replace existing damaged, broken, or unsafe poles will be allowed. This paragraph shall apply to private and public rights of way.
2. <sup>167 192 203 462</sup> All utilities, except water and sewer, must be located between the back-of-curb and the nearest right-of-way line. However, utilities may be located in an adjoining public utility easement. Whenever the pavement in a right-of-way is improved, all utility poles shall be moved at least ten feet (10') away from the back-of-curb or pavement edge, to reduce the hazard; if the right-of-way line is less than ten feet (10') from the street, then the poles must be removed.
3. If extreme difficulty is encountered in complying with the terms of paragraph A or paragraph B, or both A and B, the Town Engineer may issue a waiver of either paragraph, or both paragraphs.
4. The Town Engineer shall establish standard zones for each utility in compliance with paragraphs A and B. All utility entities must conform to the provisions of this Section for new construction and whenever right-of-way improvements require relocation of utilities.
5. <sup>438 452</sup> No permit may be granted if the proposed work or property(ies) which may connect therewith are or would be in violation of the Town Code when connected or operated. No permit may be granted if any permit required by the Town Code or Zoning Ordinance for the proposed work or property(ies) connecting therewith have not been issued, unless such permit requirements have otherwise been waived or stipulated to by the Town Council or its designee.

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- G. Landscaping in the Public Rights-of-Way<sup>448 462</sup>
1. The purpose of this Section is to protect the public safety and welfare and to preserve and encourage landscaping native to the Sonoran desert in the right-of-way. "Right-of-way", for the purpose of this Section, means the area between the roadway surface and the adjoining property line. For the purpose of this Section, "landscaping" means any tree, shrub, plant or vegetation, or any combination thereof, and ground cover. For the purpose of this Section, "Town Engineer" means the Town Engineer or designee.
  2. Planting, moving, removing or replacing any landscaping in the right-of-way is subject to approval by the Town Engineer upon such conditions as are deemed necessary and desirable and in accordance with Town Code and regulations. This requirement shall not apply to landscaping having a potential growth of less than two (2) feet in height, however such landscaping shall comply with all other applicable provisions of the Town Code.
  3. The Town Engineer shall have general technical and supervisory control of the planting, setting out, location, placement, removal, trimming, maintenance and care of all landscaping in the rights-of-way.
  4. The Town Engineer may grant to the holder of a right-of-way franchise, license or permit, upon written application and approval, continuing permit(s) to plant, move, remove, or replace landscaping, and maintenance thereof, in the rights-of-way without securing separate permits for each project, job or day. Such continuing permit shall be conditioned on such stipulations as may be determined by the Town Engineer, including but not limited to, advance notification to the Town Engineer and Police Department prior to performing the work, and continuing compliance with applicable Town Codes and regulations.
  5. The property owner shall be responsible for maintenance and watering of any landscaping in the rights-of-way abutting the owner's property.
  6. Any violation of this Section, and any landscaping which constitutes a hazard to life, health or safety in the determination of the Town Engineer, is a public nuisance. Such nuisance under the control of the abutting property or other person may be abated in accordance with Section 8-5-2 of this Code. However the Town Engineer may summarily abate or remove any hazard to life, health or safety.

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### Section 5-10-2 Uniform Standard Specifications and Details

#### A. Uniform Standard Specifications<sup>32</sup>

That certain document entitled "Uniform Standard Specifications for Public Works Constructions," sponsored and distributed by the Maricopa Association of Governments and all amendments and addendums thereto, is hereby adopted by the Town of Paradise Valley and made a part of this chapter the same as though said document were set forth in full herein; and at least three copies of said document shall be filed in the office of the Clerk and kept available for public use and inspection.

#### B. Uniform Standard Details<sup>32 33</sup>

That certain document entitled "Uniform Standard Details for Public Works Construction," sponsored and distributed by the Maricopa Association of Governments and all amendments and addendums thereto, is hereby adopted by the Town of Paradise Valley and made a part of this chapter the same as if said document were set forth in full herein; and at least three copies of said document shall be filed in the office of the Clerk and kept available for public use and inspection.

### Section 5-10-3 Storm Drain Design<sup>143 146 2018-14</sup>

That certain document, known as the Storm Drainage Design Manual, Town of Paradise Valley, three copies of which are on file in the office of the Town Clerk of Paradise Valley, Arizona, which document was made a public record by Resolution No. 2018-16 of the Town of Paradise Valley, is adopted as a part of this chapter as if fully set forth in this section.

### Article 5-10-4 Blasting Operations<sup>354 483 2018-13</sup>

#### A. Scope

This Ordinance applies to the possession, storage, and use of explosive materials used in conjunction with permitted blasting operations conducted within the Town of Paradise Valley.

#### B. Definitions

Approved as applied to a material device, or mode of construction, means approved by the Town Engineer.

1. "Approved" as applied to a material device, or mode of construction, means approved by the Town Engineer.

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2. "Attended" shall mean an unobstructed view of the on-site explosive material storage.
3. "Artificial Barricade" refers to an artificial mound or revetted wall of earth of a minimum thickness of one (1) foot, or any other approved barricade that offers equivalent protection.
4. "Certification of Fitness" shall mean the documentation and results of any examinations to prove the applicant has been found satisfactory to use or transport explosives.
5. "Explosive Materials" shall mean Class A, Class B, and Class C explosives, including detonators, detonating cord, and blasting agents, used in conjunction with blasting operations.

### C. Blasting Contractor Requirements

Prior to applying for a permit to conduct blasting operations within the Town limits, the blasting contractor shall submit the following documentation to the Town Engineer.

1. A copy of the blasting contractor's valid Federal Explosives User's Permit or Federal Explosives License.
2. A copy of the license issued by the State of Arizona Registrar of Contractors for the type of blasting operations proposed to be conducted by the contractor as follows:
  - a. A, General Engineering. Construction in connection with fixed works requiring specialized engineering knowledge and skill, including streets and roads, power and utilities plants, dams and hydroelectric plants, sewage and waste disposal plants, bridges, tunnels, and over-passes. Also included are the scopes of work allowed by all other engineering classifications.
  - b. A-3, Blasting. The use of explosive and explosive devices for the purposes of excavation, demolition, geological exploration, mining, or any related blasting. Included is any drilling, boring, or earthwork required for the placement of explosive charges, the erection of temporary shelters, artificial barricades and associated protective devices, equipment, and enclosures.
  - c. AE. (As restricted by Registrar.)
  - d. C-15, Blasting. Use of explosives for movement of earthen materials or for demolition (residential in accordance with State of Arizona Registrar of Contractor definition.)

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### D. Licensing

The applicant shall be a minimum of 21 years of age and shall require a minimum of two (2) years' experience in the conduct of blasting operations. Experience shall include the understanding of blasting designs, drilling of holes, loading of holes, decking stemming, and wiring methods.

### E. Certification of Fitness

Any person requesting permission to conduct blasting operations within the Town shall first present a current and valid Certificate of Fitness Card issued by the City of Phoenix.

### F. Blasting Site Permit

A blasting site permit shall be applied for with the Town Engineer to conduct a blasting operation at a specific site. The permit shall be valid for a period not to exceed 90 calendar days, and shall be applied for a minimum of fifteen (15) work days prior to the proposed blasting date. Permit fees for blasting site permits shall be in accordance with the Paradise Valley Fee Schedule.

### G. Certificate of Insurance

The applicant shall furnish the Town of Paradise Valley with a valid Certificate of Insurance on a standard insurance industry ACORD form, subject to approval by the Town Attorney as to form and limits of coverage. The Certificate shall be issued by an insurance company authorized to transact business in the State of Arizona, or be named on the listed Unauthorized Insurers maintained by the Arizona Department of Insurance. The following information shall be identified:

1. The contractor and property owner shall be named as the insured. If the insurance is provided by an individual, company, or partnership other than the contractor, the contractor shall be named as an additional insured.
2. The Town of Paradise Valley, a municipal corporation, shall be named as an additional insured and Certificate Holder.
3. General liability limits, including contractual liability, in the amount of \$5,000,000 combined single limit.

Note: Greater amounts than that stated above, may be required in certain cases as deemed necessary by the Town Engineer or his authorized representative.

4. A description of the operations covered under the insurance, relating to the blasting operations and storage of explosive materials if applicable.

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### H. Hold Harmless

The contractor shall submit a Hold Harmless Agreement in a form approved by the Town Attorney in favor of the Town for each blasting site location or permit applied for.

### I. Documentation

The contractor shall submit a blasting schedule. The blasting schedule must identify the site's phased location (if applicable), the proposed number of holes, the date and time for the loading of shots, and a time for the blast. The contractor shall also submit to the Town Engineer an accurately scaled drawing (1" = 100 feet) of the proposed blasting area identifying:

1. Property lines.
2. Proposed blasting location.
3. Structures within a 500-foot radius of the proposed blasting site and the structure(s)' owner and street address, if applicable. Greater distances may be required in certain areas or under certain circumstances, as determined by the Town Engineer or his authorized representative.
  - a. Location of all aboveground and underground utilities, i.e., natural gas piping and lines, electric lines, phone lines, water lines.
  - b. At the time of application for a blasting site permit, the contractor shall submit proof that a pre-blast survey has been conducted of any and all structures within a 500-foot radius of the proposed blasting area. Pre-blast surveys of the structures located at distances greater than a 500-foot radius may be required in certain areas or under certain circumstances, as determined by the Town Engineer or his authorized representative.
  - c. The blasting contractor or his authorized representative shall document whether there are structures within a 500-foot radius of the blasting area, in what form the pre-blast survey was conducted, and where a copy of the preblast survey can be located.
  - d. The contractor shall make a minimum of four (4) attempts to contact the owner/occupant of a structure in the pre-blast survey area. At least two (2) of the contacts shall be made during the day and two (2) of the contacts shall be made between 6 p.m. and 9 p.m. If unsuccessful, a notarized statement detailing the address, dates, times, and the name of the person making the contacts shall be submitted to the Town Engineer as part of the permit application package. Upon successful contact with the owner/occupant and with the written consent of the owner/occupant, the applicant shall submit a video record of the exterior of the owner/occupant's structure within the pre-blast area and provide a copy

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of the video to the Town and the owner/occupant prior to commencement of blasting.

- e. The pre-blast survey shall identify all existing damage, including cracks in walls, floors, and ceiling, cracks in and around windows, loose brick, and other defects found inside of and outside of buildings.
- f. In addition to the information specified above, the applicant may be required to furnish, at his own expense, such additional information as may be required to evaluate the permit application. This may include, but is not limited to, the submission of a report prepared by a geological or geophysical engineer registered in the State of Arizona if the proposed blasting is to occur in a geologically sensitive area.
- g. Failure to provide the required information at the time of permit application may cause the application to be returned to the contractor for resubmittal.

### J. Blasting Site Permit Renewal

The contractor shall apply for blasting site permit renewal a minimum of two (2) work days prior to current permit expiration, and shall follow the requirements specified under "Blasting Site Permit," above. Permit fees for blasting permit renewal shall be in accordance with the Paradise Valley Fee Schedule.

### K. Conducting Blasting Operations <sup>483 2018-13</sup>

- 1. Any and all utility companies servicing the blasting area shall be advised of the blasting operation a minimum of five (5) work days prior to conducting the blasting operation.
- 2. Prior to conducting any blasting operations, the contractor shall request that the blasting area be blue-staked when buildings or structures are located within a 500-foot radius of the proposed blast site.
- 3. Blasting operations shall be conducted on weekdays, between the hours of 8:00 a.m. and 5:00 p.m. No blasting operations shall be conducted at any time on Saturday, Sunday, or legal holidays, except by special written permission of the Town Engineer or his authorized representative. The special written permission shall be obtained by the contractor a minimum of two (2) working days prior to the proposed blasting date.
- 4. Explosive materials shall not be loaded into the ground until a valid blasting operations permit, issued by the Town Engineer is on site. This does not, however, prohibit the drilling of holes.

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5. The contractor shall provide and install signs reading "BLASTING ZONE 1000 FEET" and "TURN OFF 2-WAY RADIOS AND CELLULAR TELEPHONES" on all roads within 1,000 feet of blasting operations.
6. The Certificate of Fitness Cardholder shall be in attendance at the blast area when the explosive material are loaded into the ground and shall remain in attendance until the blasting operation is completed.
7. Type II magazines, as defined by Article 77 Section 203 of the Uniform Fire Code, shall be used for transporting explosive materials, except blasting agents, from storage magazines to the blasting area.
8. The blasting contractor shall be required to provide written notification to the owner/occupant of each building or structure within a 500-foot radius of the blast site. The notification shall be required a minimum of (5) work days prior to a blasting operation.
9. Seismic and/or air blast monitoring shall be conducted when buildings are located within a 500-foot radius of the blasting site. Prior to blasting, contractor personnel monitoring seismic and/or air blasts, shall be submit a letter to the Town Engineer or his authorized representative documenting the individuals who have received formal training on the equipment proposed to be used, the company name who provided the training, and the specific machine and model number the personnel where trained on.
10. An accurate blasting log shall be maintained by the individual holding the Certificate of Fitness to conduct blasting operations. The log shall contain the Town Engineer permit number, the location of the blasting operation, date and time of each blasting occurrence, the seismic and/or air blast readings received, if applicable, and the name of the individual who conducted the monitoring, if applicable, and any other pertinent information required by the Town Engineer.
11. A current copy of the blasting log shall be available at the blast site, and at the contractor's office. A copy of the blasting log shall be submitted to the Town Engineer within seven (7) calendar days after the expiration of the blasting permit or when requested by the Town Engineer or his authorized representative.
12. Failure to submit the blasting log within the required time frame may cause the Town Engineer or his authorized representative to discontinue permit issuance.
13. Explosives materials shall not be left lying around or in unlocked magazines where they may be accessible to children or unauthorized persons.
14. Empty containers which held explosive materials shall be removed from the site at the end of each work day and disposed of properly. Empty containers shall not be reused.

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15. No explosive materials shall be left in the ground overnight.
16. After a blast, all wires shall be carefully traced and a search made for any unexploded explosive materials.
17. After waiting one (1) hour, all misfires shall be investigated by the Certificate of Fitness Cardholder who shall determine the safe method of disposal.
18. Blasting wires and any items or devices marked EXPLOSIVE or BLASTING CAP shall be removed from the site at the end of each blasting day and disposed of according to the manufacturers recommendations.
19. The mixing of blasting agent components is not permitted.
20. No person under the influence of intoxicants, narcotics, or controlled substances shall handle or use explosive materials in any manner.
21. Prior to the disposal of any explosive material, the manufacturer of the product shall be consulted for most current product information and the recommended method of disposal and/or destruction.
22. No explosive material shall be disposed of within the Paradise Valley Town limits.
23. Blasting mats or other means of protection shall be used to prevent fragments from being thrown and control dust when blasting operations occur within 500 feet of any structures or roadways.
24. The Town Engineer, or a designated inspector, shall be on site at the time of all blasting.
25. A video recording of the blasting shall be created and provided to the Town and maintained consistent with Town's record retention schedule.
26. Prior to conducting blasting operations, the Town or a third-party inspector shall verify the documentation provided in 5-10-4 (I).

### L. One-Day Supply of Explosive Materials On-Site

1. One-day supply of explosive materials shall be the quantity required to conduct one (1) day blasting operations only.
2. No explosive materials shall be stored overnight and not more than a one-day supply shall be brought into the Town at anytime.

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3. A one-day supply of explosive material shall be transported to the blasting site in Type II magazine(s) as defined by Article 77 Section 203 of the Uniform Fire Code.
4. Detonators shall not be stored with high explosives.
5. Explosive material storage shall be located a minimum of a 300-foot radius from the blasting site.
6. At no time shall the explosive be left unattended.

### Section 5-10-5      Grading And Dust Control Regulations <sup>360 454 552 577 594 2018-14</sup>

#### A. Purpose

The Town Council has adopted a General Plan which encourages preservation of natural features. The Town Council also desires to reduce air pollution by limiting fugitive dust, and further seeks to minimize the possible impact of property flooding due to storm water drainage.

These goals have in common that they are all furthered by maintaining the surface of the earth in an undisturbed natural state. Disturbance of the earth's surface should occur only when necessary, and should be done in a manner which reflects an understanding of the unique local environment.

#### B. Grading Permits Required for Land Disturbance <sup>454 552 2018-14</sup>

1. For the purpose of this Article, the following terms shall have the meanings respectively ascribed to them in this Section:
  - a. Grading means any excavating or filling or otherwise changing the gradient of land.
  - b. Excavating means the removal of earthen material resulting in a lowering of the grade at that location.
  - c. Filling means dumping or depositing earthen material resulting in raising of the grade at that location.
  - d. Earthen material means any rock, natural soil or any combination thereof.
  - e. Land disturbance or disturb the land or similar words means clearing, grading, grubbing, scraping, excavating, filling, uncovering, destabilizing, moving or otherwise modifying the earth's surface.
  - f. Vacant lot shall mean developed land upon which no person or persons reside or use for the purpose for which the land was developed.
2. No land disturbance may occur on any lot or parcel in the Town without a grading permit being first obtained from the Town Engineer, and, if necessary, a hauling

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permit and payment of the hauling permit fees, as prescribed in the “Town of Paradise Valley Fee Schedule,” except as otherwise provided herein. No grading permit may be issued without the following submittals, each in a form approved by the Town Engineer:

- a. A grading plan prepared by a Civil Engineer.
    - a) Where excavation is to occur the top four (4) inches of excavated native soil shall remain on the site and shall be reused in a manner that takes advantage of the natural soil seed bank it contains.
    - b) The grading plan shall contain the preparing engineer’s certification of the 100 year water surface elevation and finished floor elevation.
    - c) The building pad shall not exceed two (2) feet in height except where required to protect the building against flooding, in which case the pad shall be one (1) foot above the water surface elevation of the 100 year event.
    - d) A stabilization plan describing how areas potentially prone to erosion will be protected.
    - e) A drainage plan showing washes in an undisturbed state except for modifications approved by the Town Engineer that are required to accommodate storm water. Washes shall not be realigned except as approved by the Town Engineer and Community Development Director when necessary to accommodate storm water or to restore a disturbed wash to a more natural state. Realignments and modifications of washes shall be consistent with the Storm Drainage Design Manual.
  - b. Dust control plan meeting the requirements of Rule 310 of the Maricopa County Air Pollution Control Regulations, as amended.
  - c. A native plant inventory, native plant salvage plan, and revegetation plan using plants from the Town’s approved plant palette.
  - d. A fencing plan showing the location and means of temporary fencing that separates the construction area from the portions of the site which will not be disturbed.
  - e. Such other information as may be required by the Town Engineer.
3. The following activities are exempt from the requirements of a grading permit:
- a. Percolation or test borings or similar soil tests (100 square feet maximum in size) prior to issuance of a building or grading permit;

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- b. Landscaping alterations or improvements made by a person in residence on the affected premises, provided that there will be no land disturbance which affects any storm water drainageway or storm water storage area.

### C. Dust Control

Prior to the issuance of grading, building, or demolition permits or recording of a final subdivision plat or lot split, the owner or contractor causing or performing any grading, landscaping, building or demolition must furnish a written plan specifying the method or means of controlling dust. For the purpose of this Section, dust means all fugitive particulate matter as defined by applicable Maricopa County Fugitive Dust Regulations.

If, after grading, a person causes or allows any vacant lot or parcel to remain unused, vacant, or undeveloped for more than fifteen (15) days the person shall first implement reasonably available control measures to effectively prevent or minimize fugitive dust.

### D. Parking Sites

All unpaved areas used to park vehicles or construction equipment must be paved, vegetated, or chemically stabilized to prevent fugitive particulate matter.

### E. Enforcement, Revegetation/Stabilization Plan <sup>577 594</sup>

Any person who has disturbed land and not complied with this Article is required to submit a Stabilization/Revegetation Plan for approval to the Town within fifteen (15) days of receipt or service of a Notice of Violation or citation under this Section. All permits for the development of the property are suspended until the revegetation has been completed and approved. The Stabilization/Revegetation Plan is in addition to the Native Plant Preservation Plan required in Section 5-8-4.

## Section 5-10-6 Drilling Permits, Restrictions And Penalties

### A. Drilling Permits Required; Restrictions and Revocation

1. Permits required. Unless otherwise provided by this Code or applicable law, it is unlawful for any person, political subdivision, or utility, without first having obtained a permit from the Town Engineer, to drill on, under or into the surface of the earth on any private property, streets or roads. Each permit shall be limited to a specific site and duration. Drilling shall mean to make or cause to make a circular hole in the ground where the depth exceeds fifteen feet with a diameter of forty (40) inches or less.
2. Restrictions on Drilling Operations
  - a. Hours of drilling shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday, and shall be prohibited on all legal holidays recognized by the Town,



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### B. Dedication of Right-of-Way.

One-half of the public right-of-way located adjacent to such property shall be dedicated as a public right-of-way in conformance with the Town General Plan, as it may be amended from time to time. If such dedication would render the subject property in violation of Town zoning laws, the Town may, in lieu of dedication, accept an easement for public right-of-way over the same amount of land as would be required by dedication. For the purpose of this paragraph, "permit" includes:

1. A Special Use Permit or Major Amendment to a Special Use Permit as designated in Section 1101 et seq. of the Zoning Ordinance;
2. A subdivision, lot split, or other land division subject to Chapter 6, Sections 6-1-1 et seq. of the Town Code on Subdivisions.
3. A building permit for any new residence or reconstruction or alteration to an existing residence, the cost of which construction, reconstruction, or alteration exceeds \$500,000. Cost shall be computed on the basis of accumulated costs during any 730 consecutive day period.

### C. Drainage Easements. <sup>513 601</sup>

1. For the purposes of this section, "watercourse" means any creek, stream, wash, arroyo, channel or other body of water having historical banks and a bed at least two (2) feet deep and five (5) feet wide through which waters flow on a recurrent basis.
2. Whenever any watercourse is located in an area being developed, provision shall be made for an adequate drainage easement along the main channel and each side of the watercourse for the purpose of widening, deepening, relocating, improving, or protecting the watercourse for drainage purposes. The drainage easement is for the purposes stated above, but the maintenance responsibility for the watercourse, as required by Town Code, shall remain the responsibility of the property owner.
3. In addition to the drainage easement requirement, drainage easement maintenance agreements shall be required for any watercourse located on the property. Said agreements shall:
  - a. Be in a form acceptable to the Town Engineer,
  - b. Grant easement rights and a right of entry in, over, and across the drainage easement area,
  - c. Specify that the maintenance responsibility for the drainage easement area remains private, and
  - d. Be recorded in the Maricopa County Recorder's office.

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4. The property owner shall clean, repair and maintain the watercourse within the drainage easement area in a safe, clean, and properly operating condition and in compliance with all applicable town codes.

### D. Other Requirements.

Approval of a Special Use Permit or Major Amendment to a Special Use Permit as designated in Section 1101 et seq. of the Town's Zoning Ordinance, or a subdivision, lot split or other land division subject to Chapter 6, Sections 6-1-1 et seq. of the Town Code on Subdivisions, shall also require the following, and maintenance thereof, unless otherwise specified and subject to rules and regulations of the Town:<sup>448</sup>

1. Landscaping. The right-of-way between the roadway surface and the abutting property line shall be preserved with existing native vegetation as follows, or landscaped with an average of the following every one hundred (100) linear feet unless otherwise approved by the Town where there is existing right-of-way landscaping or where other special circumstances occur:<sup>448</sup>
  - a. A minimum of four (4) fifteen gallon trees native to the Sonoran Desert; and<sup>448</sup>
  - b. A minimum of five (5) one-gallon shrubs native to the Sonoran Desert.
2. Recreation Path. A minimum six-foot wide meandering recreation path shall be constructed, and right-of-way granted therefore as may be necessary, abutting the entire property in accordance with the Town's General Plan and the determination of the Town Engineer.<sup>448</sup>

### Section 5-10-8 Required Improvements<sup>183 380 571</sup>

#### A. Definitions. As used in this Section.

"Development" includes construction of any new residences or reconstructions or alterations to existing residences, the cost of which construction, reconstruction or alteration exceeds \$500,000. Cost shall be computed on the basis of accumulated costs during any 730 consecutive day period.

#### B. Drainage

1. No development shall be permitted to occur within the Town which causes an increased flow of surface water discharged from the subject site. On-site storm water retention areas shall be adequate to contain the volume of water required by the Town's Storm Drain Design Manual, current edition. The tributary area used in the computation shall be the area of the site.

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2. Exception: The requirements for on-site retention may be waived or modified by the Town Engineer if he determines that said retention is impractical because of, but not limited to, steep terrain, poor percolation, or incompatibility with existing or surrounding improvements. The Town Engineer may require of the developer or owner additional drainage studies or reports in such cases to determine if a critical drainage problem will be created on adjacent or downstream properties.
3. If the Town Engineer decides after review of the studies or reports in paragraph B that construction of drainage facilities would best be made off-site, he may require the developer to furnish the Town financial assurance in an amount and form satisfactory to the Town to accomplish the construction of drainage facilities.

### C. Sewers <sup>459 478</sup>

1. No development of property shall take place unless or until the developer or owner constructs either before, or simultaneously with development, sanitary sewer lines and a connection to private wastewater treatment or Town sanitary sewer in accordance with Town and Maricopa County Health Department standards. At the discretion of the Town Manager, the Town may accept cash or other guarantee in lieu of construction at the time of development.
2. The requirement of paragraph A of this Section may be waived, in whole or in part, if, prior to commencing development, the owner demonstrates to the Town Manager one or more of the following:
  - a. All sewers required under paragraph A have been completed.
  - b. All sewers required under Paragraph A are within a sewer improvement district over which the Town has passed a resolution of intention pursuant to A.R.S. Title 48, Chapter 4.
  - c. The cost of complying with paragraph A would be more than ten percent (10%) of the cost of development.
3. The Town Manager may consider the extent of the Town's participation as a factor in his decision.

### D. Fire Hydrants

1. No development of property shall take place unless or until the developer or owner constructs a fire hydrant in accordance with Town and Fire Department standards.

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2. The requirement of paragraph A of this Section may be waived, in whole or in part, if, prior to commencing development, the owner demonstrates to the Town Manager one or more of the following:
  - a. All fire hydrants required under paragraph A have been completed.
  - b. All fire hydrants required under Paragraph A are within a fire hydrant improvement district over which the Town has passed a resolution of intention pursuant to A.R.S. 48, Chapter 4.
  - c. The cost of complying with paragraph A would be more than ten percent (10%) of the cost of development.
3. The Town Manager may consider the extent of the Town's participation as a factor in his decision.

### E. Electrical and Electronic Services<sup>571</sup>

No development shall take place unless or until the developer or owner undergrounds all electrical and electronic wires and cables from the property line to the electrical service panel. Remodels and building additions shall be required to remove all overhead utility services and place them underground from the property line to the electrical service panel as directed by the building official.

### F. Street Improvements<sup>571</sup>

No of development shall take place unless or until the developer or owner constructs street improvements, necessary for safe vehicular and pedestrian travel (not to exceed the requirements of the general plan). Such improvements may be required as a condition of a building permit.

### Section 5-10-9. Hillside Safety Improvement Measures and Process<sup>2018-09</sup>

That a certain document, known as the Hillside Safety Improvement Measures and Process Manual, Town of Paradise Valley (three copies of which are on file in the office of the Town Clerk of Paradise Valley, Arizona and also available to the public online at the Town of Paradise Valley website) is adopted as a part of this chapter as if fully set forth in this section.

**ARTICLE 5-11 FLOODPLAIN ADMINISTRATION** <sup>569</sup>

5-11-1	Definitions <sup>601</sup>
5-11-2	Lands to Which this Ordinance Applies
5-11-3	Basis for Establishing the Areas of Special Flood Hazard
5-11-4	Compliance
5-11-5	Abrogation and Greater Restrictions
5-11-6	Interpretation
5-11-7	Disclaimer of Liability
5-11-8	Statutory Exemptions
5-11-9	Authorized Construction Plans
5-11-10	Additional Penalties
5-11-11	Unlawful Acts
5-11-12	Declaration of Public Nuisance
5-11-13	Abatement of Violations
5-11-14	Severability
5-11-15	Establishment of Flood Plain Development Permit
5-11-16	Designation of Floodplain Administrator
5-11-17	Duties and Responsibilities of the Floodplain Administrator
5-11-18	Standards of Construction
5-11-19	Standards for Storage of Materials and Equipment
5-11-20	Standards for Utilities
5-11-21	Additional Standards for Development, Including Subdivisions
5-11-22	Standards for Manufactured Homes
5-11-23	Standards for Recreational Vehicles
5-11-24	Floodways
5-11-25	Nature of Variances
5-11-26	Appeal Board
5-11-27	Conditions for Variances

5-11-1 Definitions <sup>601</sup>

Unless specifically defined below, words or phrases used in this ordinance shall apply only to the flood plain regulations and be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

**ADWR.** Arizona Department of Water Resources.

**Appeal.** A request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance.

**Area of Shallow Flooding.** A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the

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path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Area of Special Flood Hazard.** The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. These areas are designated as Zone A, AE, AO, AH and A1-30 on the Flood Insurance Rate Map and other areas determined by the criteria adopted by the director of ADWR. (*See "Special Flood Hazard Area"*)

**Base Flood.** The flood having a one percent chance of being equaled or exceeded in any given year.

**Basement.** Any story having more than one-half (1/2) its height below natural grade.

**Building.** See "Structure".

**Community.** Any state, area or political subdivision thereof, or any Indian tribe or authorized tribal organization, or authorized native organization, which 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, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of materials or equipment.

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

**Erosion.** The process of the gradual wearing away of landmasses. This peril is not, per se, covered under the Program.

**FEMA.** Federal Emergency Management Agency.

**FHBM.** Flood Hazard Boundary Map.

**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.

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**Flood Boundary and Floodway Map (FBFM).** The official map on which FEMA or the Federal Insurance Administration (FIA) has delineated the areas of special flood hazards and the floodway.

**Flood Insurance Rate Map (FIRM).** The official map on which FEMA has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**Flood Insurance Study (FIS).** The official report provided by FEMA that include flood profiles, FIRM, FBFM and the water surface elevation of the base flood.

**Floodplain or Flood-Prone Area.** Any land area susceptible to being inundated by water from any source. (*See Flood or Flooding*)

**Floodplain Administrator.** The Town Manager or his designee appointed to administer and enforce the floodplain management regulations.

**Floodplain Board.** Pursuant to A.R.S. 48-3610, the Town Council of the Town of Paradise Valley is the Floodplain Board at such times as they are engaged in the enforcement of the ordinance.

**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.

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

**Flood-Related Erosion.** The collapse or subsidence of land along the shore of a lake or other body of water as a result of 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 a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

**Floodway.** The area of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as “Regulatory Floodway.”

**Floodway Fringe.** That area of the floodplain on either side of the “Regulatory Floodway” where encroachment may be permitted.

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**Governing Body.** The local governing unit (i.e., county or municipality), which is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

**Hardship.** Related to Sections 5-6-25 et seq., “*Variances*”, of this ordinance means the exceptional hardship, which would result from a failure to grant the requested variance. The governing body requires that the variance be exceptional, unusual and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences or the disapproval of one’s neighbors, as a rule cannot qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

**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:

- A. 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 (Secretary) as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary 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;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary;  
or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  1. by an approved state program as determined by the Secretary; or
  2. directly by the Secretary 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 (*see “Basement” definition*). An unfinished or flood resistant enclosure, usable solely for

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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 such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

**Manufactured Home.** A structure, transportable in one 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."

**Mean Sea Level.** For purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) of 1929 or North American Vertical Datum (NAVD) of 1988, to which base flood elevations are shown on a community's FIRM are referenced.

**NFIP. National Flood Insurance Program.**

**New Construction.** For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**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.

**One-Hundred Year Flood.** The flood having a one percent chance of being equaled or exceeded in any given year. (*See "Base Flood" definition*)

**Person.** An individual or the individual's agent, a firm, partnership, association or corporation, or an agent of the aforementioned groups, or this state or its agencies or political subdivisions.

**Ponding.** Storm runoff that collects in depressions and cannot runoff, creating a pond effect. Ponding floodwaters do not move or flow away and may remain in the temporary ponds until they infiltrate into the soil, evaporate or are pumped out.

**Recreational Vehicle.** A vehicle that is:

- A. Built on a single chassis;

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- B. 400 square feet or less when measured at the largest horizontal projection;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily as temporary living quarters for recreational, camping, travel or seasonal use and not for use as a permanent dwelling.

**Regulatory Flood Elevation.** An elevation one foot above the base flood elevation for a watercourse for which the base flood elevation has been determined and shall be determined by the criteria developed by the director of water resources for all other watercourses.

**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 without cumulatively increasing the water surface elevation more than a designated height.

**Sheet Flow Area.** Floodwater occurring from intense or prolonged storm in which water flows spread out over a large area at a somewhat uniform depth (*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, A1-30, AE, A99 or AH.

**Start of Construction.** Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. 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.** A walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

**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.

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**Substantial Improvement.** Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- A. 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,
- B. Any alteration of a "historic structure," provided that the alteration would not preclude the structure's continued designation as a "historic structure".

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

**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 ordinance 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 North American Vertical Datum (NAVD) of 1988 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 on a recurrent basis. Watercourse includes specifically designated areas in which substantial flood damage may occur.

### 5-11-2 Lands to Which this Ordinance Applies

This ordinance shall apply to all areas of special flood hazards within the corporate limits of the Town of Paradise Valley.

### 5-11-3 Basis for Establishing the Areas of Special Flood Hazard

The areas of special flood hazard identified by FEMA in a scientific and engineering report entitled "The Flood Insurance Study for Maricopa County dated June 3, 1986" with accompanying "FIRMS" dated April 15, 1988 and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this ordinance. This "FIS" and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this

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ordinance and which are recommended to the Floodplain Board by the Floodplain Administrator administrator. The Floodplain Board, within its area of jurisdiction, shall delineate (or may, by rule, require developers of land to delineate) for areas where development is ongoing or imminent, and thereafter as development becomes imminent, floodplains consistent with the criteria developed by FEMA and the Director of Water Resources. The “FIS” and “FIRM” panels are on file with the Paradise Valley Town Clerk.

### 5-11-4 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 ordinance and other applicable regulations.

### 5-11-5 Abrogation and Greater Restrictions

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

### 5-11-6 Interpretation

In the interpretation and application of this ordinance, 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.

### 5-11-7 Disclaimer of Liability

The degree of flood protection required by this ordinance 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 ordinance 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 ordinance shall not create liability on the part of the Town of Paradise Valley, any officer or employee thereof, the State of Arizona or FEMA, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

### 5-11-8 Statutory Exemptions

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

- A. Existing legal uses of property or the right to continuation of such legal use. However, if a nonconforming use of land or a building or structure is discontinued for twelve

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months, or destroyed to the extent of 50 percent of its value as determined by a competent appraiser, any further use shall comply with this article and regulations of the Town.

- B. Reasonable repair or alteration of property for the purposes for which the property was legally used on August 3, 1984, 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 percent or more shall be either flood-proofed or elevated to or above the regulatory flood elevation;
- C. Reasonable repair of structures constructed with the written authorization required by A.R.S. § 48-3613; and
- D. Facilities constructed or installed pursuant to a Certificate of Environmental Compatibility issued pursuant to A.R.S. Title 40, Chapter 2, Article 6.2.

### 5-11-9 Authorized Construction Plans

Before any authorized construction begins for the exceptions listed below, the responsible person must submit construction plans to the Floodplain Board for review and comment. In accordance with A.R.S. § 48-3613, written authorization shall not be required, nor shall the Floodplain Board prohibit:

- A. The construction of bridges, culverts, dikes and other structures necessary to the construction of public highways, roads and streets intersecting or crossing a watercourse;
- B. 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. Title 45, Chapter 6;
- C. 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 that will divert, retard or obstruct the flow of waters in any watercourse from complying with and acquiring authorization from the Floodplain Board pursuant to regulations adopted by the Floodplain Board under this article;
- D. Other construction upon determination by the Floodplain Board that written authorization is unnecessary;
- E. Any flood control district, county, city, town or other political subdivision from exercising powers granted to it under A.R.S. Title 48, Chapter 21, Article 1;

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- F. 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; and
- G. 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.

### 5-11-10 Additional Penalties

In addition to other penalties or remedies otherwise provided by law, this 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 Article. 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 Floodplain 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.

### 5-11-11 Unlawful Acts

- A. It is unlawful for a person to engage in any development or to divert, retard or obstruct the flow of waters in any watercourse if it creates a hazard to life or property without securing the written authorization of the Floodplain Board. Where the watercourse is a delineated floodplain, no development shall take place in the floodplain without written authorization of the Floodplain Board.
- B. Any person found guilty of violating any provision of this ordinance shall be guilty of a misdemeanor and punishable pursuant to Article 1-9 of the Paradise Valley Town Code.

### 5-11-12 Declaration of Public Nuisance

All development located or maintained within any area of special flood hazard after August 8, 1973, in violation of this ordinance is a public nuisance per se and may be abated, prevented or restrained by action of this political subdivision.

### 5-11-13 Abatement of Violations

Within 30 days of discovery of a violation of this ordinance, the Floodplain Administrator shall submit a report to the Floodplain Board, which shall include all information available to the Floodplain Administrator that is pertinent to said violation. Within 30 days of receipt of this report, the Floodplain Board shall either:

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- A. Take any necessary action to effect the abatement of such violation; or
- B. Issue a variance to this ordinance in accordance with the provisions of Sections 5-11-25 et seq., Variances, herein; or
- C. Order the owner of the property upon which the violation exists to provide whatever additional information may be required for their determination. Such information must be provided to the Floodplain Administrator within 30 days of such order and the Floodplain Administrator shall submit an amended report to the Floodplain Board within 20 days. At the next regularly scheduled public meeting, the Floodplain Board shall either order the abatement of said violation or they shall grant a variance in accordance with the provisions of Sections 5-11-25 et seq. Variances, herein; or
- D. Submit to FEMA a declaration for denial of insurance, stating that the property is in violation of a cited state or local law, regulation or ordinance, pursuant to Section 1316 of the National Flood Insurance Act of 1968 as amended.

### 5-11-14      Severability

This ordinance and the various parts thereof are hereby declared to be severable. Should any Section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid.

### 5-11-15      Establishment of Flood Plain Development Permit

A permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in Section 5-11-3. Application for a permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevation of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required:

- A. Proposed elevation in relation to mean sea level of the lowest floor (including basement) of all structures. In Zone AO, elevation of existing highest adjacent natural grade and proposed elevation of lowest floor of all structures;
- B. Proposed elevation in relation to mean sea level to which any nonresidential structure will be flood-proofed;
- C. Certification by a registered professional engineer or architect that the flood-proofing methods for any nonresidential structure meet the floodproofing criteria in Section 5-11-18(D);

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- D. Require base flood elevation data for subdivision proposals or other development greater than 50 lots or 5 acres; and
- E. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

### 5-11-16      Designation of the Floodplain Administrator

The Town Manager or his designee is hereby appointed to administer, implement and enforce this ordinance by granting or denying development permits in accordance with its provisions.

### 5-11-17      Duties and Responsibilities of the 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 ordinance have been satisfied;
  - 2. All other required state and federal permits have been obtained;
  - 3. The site is reasonably safe from flooding;
  - 4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this ordinance, "adversely affects" means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will increase the water surface elevation of the base flood more than one foot at any point.
- B. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 5-11-3, 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 Section 5-11-18. Any such information shall be consistent with the requirements of FEMA and the director of water resources and shall be submitted to the Floodplain Board for adoption.
- C. Obtain and maintain for public inspection and make available the following:
  - 1. The certified regulatory flood elevation required in Section 5-11-18(C)(1);
  - 2. The Zone AO certification required in Section 5-11-18(C)(1)(a) ;
  - 3. The flood-proofing certification required in Section 5-11-18(D);

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4. The certified opening elevation required in Section 5-11-18(E).
- D. Whenever a watercourse is to be altered or relocated the Flood Plain Administer shall:
1. Notify adjacent communities and ADWR prior to such alteration or relocation of a watercourse, and submit evidence of such notification to FEMA through appropriate notification means; and
  2. Require that the flood carrying capacity of the altered or relocated portion of said watercourse be maintained.
- E. Whenever an application for development or a variance involving property located within a floodplain or floodway has been received, the Floodplain Administrator shall:
1. Provide the Maricopa County Flood Control District, in addition to any adjunct jurisdiction having responsibility for floodplain management within a one-mile radius of the Town, with notice of all applications received by the Town for development or variances within a floodplain or floodway. Said notice shall be in writing and include a copy of the proposed development plan.
  2. Provide the Flood Control District of Maricopa County with notice of any major development proposed within a floodplain or floodway, which could affect floodplains, floodways or watercourses within the district's area of jurisdiction. Such notice shall be submitted in writing, along with a copy of such plans, no later than three (3) working days after having been received by the Town.
- F. The Floodplain Administer shall make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (e.g., 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 Section 5-11-26.
- G. The Floodplain Administer shall take actions on violations of this ordinance as required in Section 5-11-13 herein.
- H. The Floodplain Administer shall notify FEMA and ADWR of acquisition by means of annexation, incorporation or otherwise, of additional areas of jurisdiction.
- I. The Floodplain Administer shall within one hundred twenty (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.

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- J. Base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the Floodplain Administrator shall notify FEMA of the changes by submitting technical or scientific data in accordance with Volume 44 Code of Federal Regulations Section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

### 5-11-18      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 resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; and
2. All manufactured homes shall meet the anchoring standards of section 5-11-22.

#### 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; and
4. Require within Zones AH or AO adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

#### C. Elevation and Flood-proofing

1. Residential construction, new or substantial improvement, shall have the lowest floor, including basement,
  - a. In an AO Zone, elevated to or above the regulatory flood elevation, or elevated at least two feet above the highest adjacent grade if no depth number is specified.

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- b. In an A Zone where a Base Flood Elevation has not been determined, elevated to or above the regulatory base flood elevation or be elevated in accordance with the criteria developed by the Director of Water Resources.
  - c. In Zones AE, AH and A1-30, elevated to or above the regulatory base flood elevation.
2. Upon completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the community's building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.
- D. Nonresidential construction, new or substantial improvement, shall either be elevated to conform with Section 5-11-18(C) (1) or together with attendant utility and sanitary facilities:
1. Be flood-proofed below the elevation recommended under Section 5-11-18(C) (1) so that the structure is watertight with walls substantially impermeable to the passage of water,
  2. have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
  3. be certified by a registered professional engineer or architect that the standards of this Section are satisfied. Such certification shall be provided to the Floodplain Administrator.
- E. All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, 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 floodwater. Designs for meeting this requirement must meet or exceed the following criteria:
1. Have a minimum of two openings, on different sides of each enclosed area, having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that the permit the automatic entry and exit of floodwater; or
  2. be certified by a registered professional engineer or architect.
  3. Manufactured homes shall also meet the standards in Section 5-11-22.

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### 5-11-19 Standards for Storage of Materials and Equipment

- A. The storage or processing of materials that 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 damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

### 5-11-20 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 wholly or partially in a regulatory floodway.

### 5-11-21 Additional Standards for Development, Including Subdivisions

- A. All new subdivision proposals and other proposed development of 5 acres or more, shall
  - 1. identify the area of the special flood hazard area and the elevation of the base flood, and
  - 2. identify on the final plans the elevation(s) of the proposed structure(s) and pads. If the site is filled above the base flood, the final lowest floor and grade elevations shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.
- B. All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.
- C. All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- D. All subdivision proposals and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.

### 5-11-22 Standards for Manufactured Homes

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All manufactured homes that are placed or substantially improved 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 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.

### 5-11-23      Standards for Recreational Vehicles

All recreational vehicles placed on site will either:

- A. Be on site for fewer than 180 consecutive days, or
- B. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
- C. Meet the permit requirements of Section 5-11-15 of this ordinance and the elevation and anchoring requirements for manufactured homes in Section 5-11-22.

### 5-11-24      Floodways

Located within areas of special flood hazard established in Section 5-11-3 are areas designated as floodways. 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:

- A. Prohibit encroachments, including fill, new construction, substantial improvements and other development, unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. If Section 5-11-24 is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of Section 5-11-18 et seq.

### 5-11-25      Nature of Variances

The variance criteria set forth in this Section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so

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unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants or the property owners.

It is the duty of the Town of Paradise Valley to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below the regulatory flood elevation is so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

### 5-11-26 Appeal Board

- A. The Floodplain Board shall hear and decide appeals from decisions made by the Floodplain Administer and requests for variances from the requirements of this ordinance.
- 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 ordinance.
- C. In passing upon such applications, the Floodplain Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, 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;

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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, water system and streets and bridges.
- D. Upon consideration of the factors of Section 5-11-26(C) and the purposes of this ordinance, the Floodplain Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- 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. such construction below the base flood level increases risks to life and property, and
  3. the land upon which the variance is granted shall be ineligible for exchange of state land pursuant to the flood relocation and land exchange program provided by A.R.S. Title 26, Chapter 2, Article 2. A copy of the notice shall be recorded in the office of the Maricopa County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
- F. The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance and report such variances issued in its biennial report submitted to FEMA.

### 5-11-27 Conditions for Variances

- A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the procedures of Sections 5-11-15 Permits and 5-11-18 Standards of Construction of this ordinance have been fully considered.

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- B. 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 structures continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- C. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- E. Variances shall be issued only 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;
  - 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.

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### FOOTNOTES

- 26 Ordinance #132 - 3/24/77  
27 Ordinance #94 - 1/23/75  
28 Ordinance #128 - 12/2/76  
30 Ordinance #132 - 3/24/77  
31 Ordinance #132 - 3/24/77  
32 Ordinance #144 - 4/10/80  
33 Ordinance #132 - 3/24/77  
79 Ordinance #171 - 8/14/80  
95 Ordinance #199 - 1/27/83  
102 Ordinance #207 - 8/11/83  
114 Ordinance #223 - 12/6/84  
132 Ordinance #248 - 9/11/86  
142 Ordinance #258 - 1/22/87  
143 Ordinance #259 - 1/22/87  
144 Ordinance #260 - 2/12/87  
145 Ordinance #262 - 2/26/87  
146 Ordinance #263 - 3/12/87  
158 Ordinance #277 - 1/28/88  
160 Ordinance #281 - 4/14/88  
161 Ordinance #282 - 5/12/88  
167 Ordinance #291 - 1/12/89  
169 Ordinance #294 - 2/09/89  
183 Ordinance #307 - 12/21/89  
190 Ordinance #318 - 12/6/90  
191 Ordinance #324 - 8/8/91  
192 Ordinance #331 - 2/13/92  
197 Ordinance #324 - 08/08/91  
199 Ordinance #326 - 10/29/91  
Repealed  
203 Ordinance #331 - 2/13/92  
354 Ordinance #354 - 2/9/93  
356 Ordinance #356 - 6/24/93  
360 Ordinance #360 - 8/3/93  
373 Ordinance #373 - 7/28/94  
380 Ordinance #380 - 10/13/94  
430 Ordinance #430 - 12/5/96  
438 Ordinance #438 - 4/24/97  
439 Ordinance #439 - 3/27/97  
448 Ordinance #448 - 1/22/98  
450 Ordinance #450 - 12/18/97  
452 Ordinance #452 - 2/12/98  
454 Ordinance #454 - 1/22/98  
459 Ordinance #459 - 3/12/98  
462 Ordinance #462 - 7/9/98  
478 Ordinance #478 - 1/14/99  
489 Ordinance #489 - 9/9/99  
483 Ordinance #483 - 3/25/99  
491 Ordinance #491 - 11/18/99  
500 Ordinance #500 - 03/09/2001  
513 Ordinance #513 - 06/28/2001  
515 Ordinance #515 - 09/13/2001  
518 Ordinance #518 - 09/13/2001  
521 Ordinance #521 - 07/11/2002  
524 Ordinance #524 - 11/07/2002  
543 Ordinance #543 - 07/08/2004  
552 Ordinance #552 - 12/16/2004  
551 Ordinance #551 - 01/27/2005  
562 Ordinance #562 - 06/23/2005  
569 Ordinance #569 - 09/30/2005  
571 Ordinance #571 - 11/17/2005  
572 Ordinance #572 - 11/17/2005  
577 Ordinance #577 - 02/23/2006  
587 Ordinance #587 - 02/22/2007- (Reorganized and Renamed)  
588 Ordinance #588 - 02/22/2007  
590 Ordinance #590 - 04/12/2007  
594 Ordinance #594 - 05/10/2007  
601 Ordinance #601 - 02/28/2008  
612 Ordinance #612 - 06/11/2009  
648 Ordinance #648 - 11/15/2012  
Ordinance # 2016-02 - 05/26/2016  
Ordinance # 2016-11 - 11/03/2016  
Ordinance # 2018-09 - 06/14/2018  
Ordinance # 2018-13 - 06/14/2018  
Ordinance # 2018-14 - 06/14/2018