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MEMORANDUM **CITY MANAGER MEMO NO. MC12-020**

DATE: MAY 24, 2012

TO: MAYOR AND CITY COUNCIL

THRU: RICH DLUGAS, CITY MANAGER

FROM: PAT MCDERMOTT, ASSISTANT CITY MANAGER

SUBJECT: ADOPTION OF ORDINANCE 4365, REPEALING CHAPTER 43 OF THE CODE OF THE CITY OF CHANDLER AND AMENDING THE CODE OF THE CITY OF CHANDLER BY ADDING A NEW CHAPTER 43 FOR THE PURPOSE OF MERGING THE DEPARTMENT OF PUBLIC WORKS AND THE DEPARTMENT OF PLANNING AND DEVELOPMENT INTO A SINGLE TRANSPORTATION AND DEVELOPMENT DEPARTMENT; AND MAKING CONFORMING AMENDMENTS TO VARIOUS SECTIONS AND SUBSECTION OF CHAPTERS 8, 11, 32, 38, 40, 41, 45, 46, 47, 48, 49, 51, 52, 53, and 54 OF THE CODE OF THE CITY OF CHANDLER.

RECOMMENDATION: Staff recommends approval of Ordinance No. 4365, repealing Chapter 43 of the Code of the City of Chandler and amending the Code of the City of Chandler by adding a new Chapter 43 for the purpose of merging the Department of Public Works and the Department of Planning and Development into a single Transportation and Development Department; and making conforming amendments to various sections and subsection of Chapters 8, 11, 32, 38, 40, 41, 45, 46, 47, 48, 49, 51, 52, 53, and 54 of the Code of the City of Chandler.

BACKGROUND: City Charter Sec. 2.08 gives the City Council authority for the creation of any new City department or the consolidation, alteration or abolishment of existing departments. On May 27, 1999, Ordinance No. 2970 adopted Chapter 43 of the Chandler City code which created a Department of Public Works to be overseen by a Director. On November 18, 1999, Ordinance No. 3063 was adopted to enact Chapter 35, Article 1 of the Chandler City Code, established a Planning and Development Department for the City with a Director. This Ordinance sets the stage to merge the two departments into the new Transportation and Development Department and makes conforming amendments to City Code Chapters 8, 11, 32, 38, 40, 41, 45, 46, 47, 48, 49, 51, 52, 53, and 54 to support this merger. At some point in the future there may be an additional Ordinance brought to Council to make some additional amendments to Chapter 35 (zoning) and Chapter 39 (sign code), as required by State Statutes.

The primary changes made by this ordinance are change of the department name, director's title, and transferring the authority and duties from the Public Works and Planning and Development departments and their directors to the newly created Transportation and Development Department and director. It also updates the edition and number of standards, details specifications and/or policies regarding public improvements. The merger of the two departments will create a number of efficiencies through the streamlining and integration of staffing and procedures.

FINANCIAL IMPLICATIONS: None. Any financial modifications were made during the FY 2011-2012 Budget approved by Council.

PROPOSED MOTION: Move to introduce and tentatively approve Ordinance No. 4365, repealing Chapter 43 of the Code of the City of Chandler and amending the Code of the City of Chandler by adding a new Chapter 43 for the purpose of merging the Department of Public Works and the Department of Planning and Development into a single Transportation and Development Department; and making conforming amendments to various sections and subsection of Chapters 8, 11, 32, 38, 40, 41, 45, 46, 47, 48, 49, 51, 52, 53, and 54 of the Code of the City of Chandler.

Attachment: Ordinance No. 4365

ORDINANCE NO. 4365

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, REPEALING CHAPTER 43 OF THE CODE OF THE CITY OF CHANDLER AND AMENDING THE CODE OF THE CITY OF CHANDLER BY ADDING A NEW CHAPTER 43 FOR THE PURPOSE OF MERGING THE DEPARTMENT OF PUBLIC WORKS AND THE DEPARTMENT OF PLANNING AND DEVELOPMENT INTO A SINGLE TRANSPORTATION AND DEVELOPMENT DEPARTMENT; AND MAKING CONFORMING AMENDMENTS TO VARIOUS SECTIONS AND SUBSECTION OF CHAPTERS 8, 11, 32, 38, 40, 41, 45, 46, 47, 48, 49, 51, 52, 53, and 54 OF THE CODE OF THE CITY OF CHANDLER.

BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

Section 1. Chapter 43 of the Chandler City Code, pertaining to the Department of Public Works, is hereby repealed.

Section 2. New Chapter 43 of the Chandler City Code, pertaining to the Transportation and Development Department, is hereby added to read as follows:

Chapter 43

TRANSPORTATION AND DEVELOPMENT DEPARTMENT

43-1. Transportation and Development Department.

Effective _____, the Department of Public Works and the Department of Planning and Development are hereby combined into one department known as the Transportation and Development Department, which shall consist of a Director and such divisions and other personnel as the City Manager shall deem necessary.

43-2. Duties of the Director of the Transportation and Development Department.

43-2.1. The Director of the Transportation and Development Department shall have and exercise all duties heretofore held and exercised either by the Director of the Department of Public Works or the Director of the Department of Planning and Development pursuant to any ordinance, resolution or provisions of this Code in effect or as otherwise assigned or delegated by the City Manager.

43-2.2. In addition to any other duties established by any ordinance, resolution, or provision of this Code in effect, or as assigned or delegated by the City Manager, the Director of the Transportation and Development Department shall specifically have and exercise the

following duties:

A. Direct and manage the Transportation and Development Department, any divisions thereof or assigned thereto and the personnel therein.

B. Administer programs for the repair, maintenance and operation of City facilities within the public rights-of-way, including official traffic control devices, roadway design features, roadway pavement, storm drains, roadway landscaping, sidewalks and street lights.

C. Administer the construction, installation, alteration, or improvement of any public works projects or other public improvements, except to the extent that responsibility for any such public works projects or public improvements have been otherwise delegated by the City Manager.

D. Administer transportation planning, design work and programs.

E. Administer the processing and approval of subdivision of land and construction of private infrastructure, except to the extent such projects have been otherwise delegated by the City Manager.

F. Possess those powers, duties and functions consistent with the Charter and with all ordinances and other acts of the Council which are given to a director of a department of public works or a director of a department of planning and development of an municipal corporation by applicable laws of the State of Arizona, except to the extent those powers, duties and functions have been otherwise delegated to others by the City Manager.

G. Perform all the functions, powers and duties given to the Street Superintendent, City Engineer or Building Official in this City Code or by state or federal law, except to the extent that the Director has designated another person to serve in the capacity of Street Superintendent, City Engineer or Building Official and perform the functions, powers and duties expressly directed in this Code to be performed by such city official.

H. Perform such other programs or functions related to public works, public improvements, capital improvement project, transit and private development that the City Manager may, from time to time, authorize or request.

I. Coordinate with the Director of the Municipal Utilities Department on engineering and inspection programs conducted by the Municipal Utilities Department related to public utilities, water, wastewater, reclaimed water and solid waste.

J. Perform all functions, powers and duties given to the Zoning Administrator and/or City Planner pursuant to Chapter 35 and/or Chapter 39 of the Code, except to the extent that the Director has designated another person to serve in the capacity of Zoning Administrator and/or City Planner and perform the functions, powers and duties expressly directed in this Code to be performed by such city official.

K. Perform all functions, powers and duties pursuant to Chapter 29 of the Building Safety Regulations of the Code.

43-2.3. The Director of the Transportation and Development Department is authorized to accept on behalf of the City, plat map dedications, deeds, easements and rights-of-way granted to the City for street, roadway, avigation, landscaping, drainage and utility purposes, pursuant to development approvals.

43-3. Traffic Engineer.

The Director of the Transportation and Development Department may appoint a Traffic Engineer or may assign the following duties and any other duties given to the Traffic Engineer by this Code to another City employee in the Transportation and Development Department. In addition to those functions, powers and duties given to the Traffic Engineer by this Chapter 43 and other provisions of this Code, the Traffic Engineer shall have the following authority:

A. As authorized by State law, to determine appropriate locations for stop signs and yield-right-of-way signs and other traffic control devices and operations.

B. To establish speed limits for City streets as necessary for public safety in accordance with State law.

C. To designate certain streets as a street prohibited for use by trucks in excess of nine thousand six hundred (9,600) pounds gross vehicle weight.

D. To issue permits for use on City streets of tires not normally allowed in accordance with A.R.S. § 28-958.

E. To establish "no parking" zones, "loading zones," "bus stops," and "taxicab and limousine stations" and other parking limitations relating to time, manner or type of vehicle restrictions.

F. To authorize and install traffic calming devices pursuant to adopted City Council Policy.

G. To designate, subject to approval by the City Council, a residential area or areas where parking is limited to vehicles bearing a valid parking permit and to establish

procedures and regulations including permit fees for such residential parking restrictions.

H. Any use or parking restrictions established by the Traffic Engineer shall be so designated by proper signs or markings. The Traffic Engineer shall keep accurate records of all parking zones, including loading zones, established hereunder and shall designate on a map kept for such purpose the location of all such zones throughout the City.

43-4. Adoption of public works standards, specifications and regulations.

43-4.1. The Director of the Transportation and Development Department shall recommend for Council adoption standards, specifications and regulations regarding public works improvements, which may be adopted by the City Council by reference. Three (3) copies of any document adopted by the City Council by reference shall be kept on file by the City Clerk for use and reference by members of the public.

43-4.2. In the event there is a conflict between or among any of the standards, specifications and regulations adopted herein by reference, a City of Chandler standard, specification or regulation shall prevail over any standard, specification or regulation prepared by another entity.

43-4.3. Irrespective of the designations contained in any standards, details, or specifications adopted by reference, enforcement procedures and inspections provided for shall be the responsibility of the Director of the Transportation and Development Department.

43-4.4. The Director of the Transportation and Development Department may approve alternate materials or methods of construction provided the Director finds the proposed design is satisfactory and complies with the intent of the adopted standard, detail or specification and the proposed material is for the purpose intended, and at least the equivalent of that prescribed in the adopted standard, detail or specification, in quality, strength, effectiveness, durability, and safety.

43-4.5. The following standards, details, specifications and/or policies regarding public works improvements are in effect in the City of Chandler:

A. *City of Chandler Standard Details and Specifications.* That certain document on file with the City Clerk marked, known and designated as "City of Chandler Standard Details and Specifications, " February 2012 edition, is hereby adopted by reference and made a part hereof as if set forth at length herein.

B. *City of Chandler Technical Design Manual, Numbers 1 and 2: Water and Wastewater System Design.* That certain document on file with the City Clerk marked, known and designated as "City of Chandler Technical Design Manual, Numbers 1 and 2: Water and Wastewater System Design," February 2012 edition, is hereby adopted by reference and made a part hereof as though set forth at length herein.

C. *City of Chandler Technical Design Manual, Number 3: Drainage Policies and Standards.* That certain document on file with the City Clerk marked, known and designated as "City of Chandler Technical Design Manual, Number 3: Drainage Policies and Standards," February 2012 edition, is hereby adopted by reference and made a part hereof as though set forth at length herein.

D. *City of Chandler Technical Design Manual, Number 4: Street Design and Access Control.* That certain document on file with the City Clerk marked, known and designated as "City of Chandler Technical Design Manual Number. 4: Street Design and Access Control," January 2011 edition, is hereby adopted by reference and made a part hereof as though set forth at length herein.

E. *City of Chandler Technical Design Manual, Number 5: Traffic Signal Design.* That certain document on file with the City Clerk marked, known and designated as "City of Chandler Technical Design Manual, Number 5: Traffic Signal Design," February 2012 edition, is hereby adopted by reference and made a part hereof as though set forth at length herein.

F. *City of Chandler Technical Design Manual, Number 6: Streetlight Design.* That certain document on file with the City Clerk marked, known and designated as "City of Chandler Technical Design Manual Number 6: Streetlight Design," February 2012 edition, is hereby adopted by reference and made a part hereof as though set forth at length in full herein.

G. *City of Chandler Technical Design Manual, Number 7: Traffic Barricade Design.* That certain document on file with the City Clerk marked, known, and designated as "City of Chandler Technical Design Manual, Number 7: Traffic Barricade Design," February 2012 edition, is hereby adopted by reference and made a part hereof as if set forth at length herein.

H. *City of Chandler Technical Design Manual, Number 8: Landscape and Irrigation Design of Right-of-Ways, Retention Basins and Parks.* That certain document on file with the City Clerk marked, known and designated as "City of Chandler Technical Design Manual, Number 8: Landscape and Irrigation Design of Right-Of-Ways, Retention Basins and Parks," January 2002 edition, is hereby adopted by reference and made a part hereof as if set forth at length herein.

I. *MAG Uniform Standard Specifications and Details.* That certain document on file with the City Clerk marked, known and designated as Uniform Standard Specifications and Details for Public Works Construction Sponsored and Distributed by the Maricopa Association of Governments, 1998 Arizona edition (includes revisions through 2011) (MAG Uniform Standard Specifications and Details) is hereby adopted by reference and made a part hereof as though set forth at length herein with the additions, insertions, deletions and changes set forth below.

1. The Director of the Transportation and Development Department is authorized to increase standard street cross sections, both pavement and right-of-way widths, as necessary to maintain required traffic service levels when a traffic analysis indicates the need for additional lanes of traffic.

2. Where MAG refers to corrective actions for deviations from standards and provides options for "When the contracting agency is the owner" or "When the contracting agency is not the owner (i.e. permits)," the Director of the Transportation and Development Department is authorized to utilize any of the corrective actions listed regardless of whether the City is the contracting agency or not.

J. *Manual on Uniform Traffic control Devices for Streets and Highways (MUTCD).* That certain document on file with the City Clerk marked, known and designated as "The Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD)," Millennium edition, approved by the Federal Highway Administration as the National Standard, is hereby adopted by reference and made a part hereof as though set forth at length herein.

K. *Policy on Geometric Design of Highways and Streets.* That certain document on file with the City Clerk marked, known and designated as "The Policy on Geometric Design of Highways and Streets," 2004 edition, published by the American Association of State Highway and Transportation Officials, is hereby adopted by reference and made a part hereof as though set forth at length herein.

L. *City of Chandler Manual on Stormwater Quality Protection.* That certain document on file with the City Clerk marked, known and designated as "City of Chandler Manual on Stormwater Quality Protection, December, 2007 edition," is hereby adopted by reference and made a part hereof as if set forth at length herein.

43-5. Delegation of responsibility for floodplain management.

43-5.1. Statutory authority. In accordance with A.R.S. article 1, chapter 21, title 48, floodplain management within the City is hereby declared to be vested in the Maricopa County Flood Control District; and development within areas designated as flood hazard zones located within city limits shall be subject to such rules and regulations as may be established by the State and the Maricopa County Flood Control District in conformance with the National Flood Insurance Program requirements and the provisions of A.R.S. article 1, chapter 21, title 48. Conformance to such rules and regulations shall be in addition to any other applicable Code requirements.

43-5.2. Floodplain administrator, duties and responsibilities. The City Engineer is hereby appointed as floodplain administrator of the City. The Director of the Transportation and Development Department may assign the following duties given to the floodplain administrator by this Code to another City employee in the Transportation

and Development Department. Duties of the floodplain administrator shall include:

A. Establishment of procedures to ensure that all requests for permits for floodplain development will be promptly forwarded to the Maricopa County Flood Control District and that no permits will be issued by any agent of the City until a valid floodplain use permit is obtained by the applicant.

B. Delineating and assisting the Federal Insurance Administrator, at his request, in delineating the limits of the areas having special flood hazards on available local maps of sufficient scale to identify the location of building sites.

C. Providing such information to the Federal Insurance Administrator as he may request concerning present uses and occupancy of the floodplain areas within City limits.

D. Cooperation with federal, state and local agencies and private firms which undertake to study, survey, map and identify floodplain areas, and cooperate with neighboring communities with respect to management of adjoining floodplain areas in order to prevent aggravation of any existing hazards.

E. Submission of an annual report to the Federal Insurance Administrator on the progress made during the past year within the community in the development and implementation of floodplain management measures.

43-5.3. Warning and disclaimer of liability. The degree of flood protection required by this section and applicable State and County regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of the City or any officer or employee thereof.

43-5.4. Penalties for violation. Violation of floodplain management regulations established for development within the City shall be deemed to be a violation of both this section and A.R.S. article 1, chapter 21, title 48 and is subject to penalties described in Section 1.8 of this Code and A.R.S. § 48-3615.

Section 3. Conforming amendments are hereby made to Chapter 8 of the Chandler City Code as follows:

A. **<u>Code Section 8-1</u>.** Section 8-1 of Chapter 8 of the Chandler City Code is hereby amended to add the following additional definition:

Director means the Director of the Transportation and Development Department.

B. Code Sections 8-3, 8-4, 8-5, 8-6, 8-8 and 8-11. Sections 8-3, 8-4, 8-5, 8-6, 8-8 and 8-11, including any subsections under each such section as applicable, of Chapter 8 of the Chandler City Code are hereby amended as follows:

The term "Public Works Director" shall be replaced with the term "Director".

Section 4. Subsection *11-10.2.*F of Section 11-10, Chapter 11, Chandler City Code, is hereby amended to read as follows:

F. The ~~Public Works~~ Director of the Transportation and Development Department ~~or designee~~ may revoke any encroachment permit granted hereunder upon complaint based upon substantial evidence that the construction activity caused unreasonable disturbance in the vicinity of the work site. To deny or revoke a permit, the ~~Public Works~~ Director of the Transportation and Development Department ~~or designee~~ shall deliver or mail by certified mail to the business address shown on the permit application, a written notice that said permit is revoked and which lists the grounds therefore, and which may order the immediate stoppage of the work being performed under the permit pending any hearing on the revocation. A revoked permit shall be surrendered to the ~~Public Works~~ Director of the Transportation and Development Department ~~or designee~~ on demand.

1. The permittee may request an informal hearing on such revocation by submitting a written request within ten (10) days after the notice of revocation is given and shall set forth specifically the grounds for the hearing. If a hearing is not requested within ten (10) days of the date of notice, the revocation shall take effect on the eleventh day after the date of the notice. If a hearing is requested, no revocation shall take effect until after the hearing and date of notice of the final decision of the ~~Public Works~~ Director of the Transportation and Development Department ~~or designee's final decision~~. An appeal to the City Manager of the ~~Public Works Director's~~ decision ~~to the City Manager~~of the Director of the Transportation and Development Department~~,~~ may not be made prior to the date of notice of ~~Public Works Director's~~the final decision of the Director of the Transportation and Development Department.

2. The permittee may appeal the final decision of the ~~Public Works Director/designee~~Director of the Transportation and Development Department within ten (10) days of the date of notice of such decision by submitting to the City Clerk a written notice of the permittee's intention to appeal to the City Manager~~/designee~~. A timely appeal shall result in a stay of any decision of the Director~~/designee~~, except that a work stoppage order may remain in effect. The appeal will be heard in accordance with the provisions set forth in Chapter 1 of this Code. Failure to appeal in writing within the prescribed time constitutes a waiver of the right to appeal. The decision of the City Manager~~/designee~~ shall be final.

Section 5. Subsection *32-7.1* of Section 32-7 of Chapter 32, Chandler City Code, is hereby amended to read as follows:

32-7.1. There is hereby established a Special Events Committee consisting of eleven (11) City Staff members as follows: The Special Events Coordinator, the Downtown Coordinator, the Risk Manager, one (1) or more representatives as appointed by the Department Directors from the Police, Fire, Community Services, Management Services, ~~Public Works,~~ Communications and Public Affairs ~~and Communications~~, and ~~Planning~~ Transportation and Development ~~Services~~ Department.

Section 6. Subsection D of Section 38-6 of Chapter 38, Chandler City Code, is hereby amended to read as follows:

D. Development fees shall be collected by the ~~Development Services Manager~~ Director of the Transportation and Development Department at the time and as a condition for issuance of a building permit.

Section 7. Subsection *40-6.1.*A and B and Subsection *40-6.2.*D.2 of Section 40-6, Chapter 40, Chandler City Code, are hereby amended as follows:

The term "Public Works Director" shall be replaced with the term "Director of the Transportation and Development Department".

Section 8. Section 41-3 of Chapter 41, Chandler City Code, is hereby amended to read as follows:

41-3. Officers and by-laws.

The Architectural Excellence Award Committee shall elect a chairperson and vice-chairperson from among their members at their first meeting and new officers shall be elected at the first meeting following the first of May, 2004 and at the first meeting following the first of May each year thereafter. The ~~Planning and Development~~ Director of the Transportation and Development Department ~~or his/her duly authorized representative~~ shall act as secretary of the committee but shall not be allowed to vote. No officer elected by the committee shall serve in the same capacity for more than two (2) consecutive one-year terms. The committee may adopt By-Laws which may, among other things, set forth the time and place of meetings, and the operating procedures of the committee. All By-Laws and any amendments thereto shall be subject to City Council review and approval.

Section 9. Sections 45-3, 45-4, and Subsection *45-8.1* of Section 45-8 of Chapter 45, Chandler City Code, are hereby amended as follows:

The terms "Public Works Director", "Public Works Director/designee", or "Director of Public Works" are hereby replaced with the term "Director of the Transportation and Development Department".

Section 10. Subsections *46-2.7.*C.1, *46-2.7.*D.3, and *46-2.14* of Section 46-2, Division I, Chapter 46, Chandler City Code, are hereby amended as follows:

The terms "Public Works Director", "Public Works Director/designee", or "Director of Public Works" are hereby replaced with the term "Director of the Transportation and Development Department".

Section 11. Subsection *46-3.3.*B.3 of Section 46-3, Division II, Chapter 46, Chandler City Code, is hereby amended as follows:

The term "Director of Public Works" is hereby replaced with the term "Director of the Transportation and Development Department".

Section 12. Chapter 47, Chandler City Code, is hereby amended as follows:

Wherever the terms "Director of Planning and Development", "Planning and Development Director", "Public Works Director", or "Director of Public Works" are found in any section or subsection of Chapter 47, each said term shall be replaced with the term "Director of the Transportation and Development Department".

Section 13. Section 47-5 of Chapter 47, Chandler City Code, is hereby amended as follows:

The term "Public Works Department" shall be replaced with the term "Transportation and Development Department".

Section 14. Section 48-2 of Chapter 48, Chandler City Code, is hereby amended to revise the definition of the term *Department* as follows:

Department means the Transportation and Development Department established pursuant to Chapter 43 of the Chandler City Code.

Section 15. In Section 48-2 of Chapter 48, Chandler City Code, the term *Planning and Development Director* and the definition of said term are hereby repealed.

Section 16. Section 48-2 of Chapter 48, Chandler City Code, is hereby amended to add the following additional definition:

Director means the Director of the Transportation and Development Department.

Section 17. Section 48-3 of Chapter 48, Chandler City Code, is hereby amended to read as follows:

48-3. Subdivision Review Committee.

A Subdivision Review Committee is hereby established, and the City Manager shall appoint the appropriate staff personnel to serve. It shall be the duty of the members of the Committee to review all lot split applications, applications for minor land divisions and preliminary subdivision plats for compliance with all applicable City regulations, the general plan and for design conformity with the neighborhood concept. The Committee members shall make their recommendations to the ~~Planning and Development~~ Director.

Section 18. Section 48-7 of Chapter 48, Chandler City Code, is hereby amended to read as follows:

48-7. Stage II: Preliminary plat.

The preliminary plat stage of land subdivision includes detailed subdivision planning, submittal, review and approval of the preliminary plat. To avoid delay in processing an application, the subdivider should carefully provide the Commission with all information essential to determine the character and general acceptability of the proposed development.

A. *Zoning.* The subdivision shall be designed to meet the specific requirements for the zoning district within which it is located. However, in the event that change of zoning is deemed necessary, the rezoning shall be initiated by the property owner or the owner's authorized agent, heard and approved by the Zoning Commission and Council. The subdivision application and the zone change application may, at the discretion of the Department be processed concurrently but in any event, any change in zoning required in relation to the preliminary plat shall have been adopted by the City Council prior to preliminary plat approval by the City Council.

B. *Sanitary sewerage and water supply.* As a prerequisite of preliminary plat review by the Department, the subdivider shall have informed the ~~Public Works~~ Department of the development proposal and demonstrated compliance with the general requirements for sewage disposal and water supply as applicable to the proposed development. The subdivider should be aware that, in addition to sanitary sewers and water supply mains and facilities, the City's requirements may include provision for the transport and use of reclaimed water in areas of the City designated for use of reclaimed water.

48-7.1. Preliminary plat submission.

A. The developer shall submit sufficient copies of the preliminary plat as required by the Department with transmittal sheets and required supporting data prepared in accordance with requirements set forth in this chapter shall be filed with the Department sufficiently in advance of the Commission at which the plat

will be considered to allow complete review by staff. When the Department has completed its review and the preliminary plat is in compliance with all requirements of the code, the Department will place the preliminary plat on the Commission's agenda for consideration. Copies of the preliminary plat shall be reproduced in the form of blue line or black line prints on a white background. One (1) eight-inch by eleven-inch transparent film positive reproduction of the preliminary plat shall also be filed.

B. The plat shall be checked by the Department for completeness and assigned a case number; if incomplete as to those requirements set forth in this City Code, the plat shall be rejected and the subdivider notified.

C. Filing fee: A fee shall accompany each application for amendment or other matter provided under this chapter, in accordance with the current fee schedule as adopted by Council.

48-7.2. Preliminary plat review.

A. Upon receipt of the preliminary plat, the Department and the Subdivision Review Committee shall perform its review for compliance with public objectives, giving special attention to design principles and standards as set forth in this chapter, the general plan and any area or specific plans for that area; streets and thoroughfares as related to the transportation plan and to neighborhood circulation; utility methods and systems; existing and proposed zoning and land use of the tract and its environs; and land required for schools, parks and other public facilities.

B. The Department shall distribute copies of the plat to the following reviewing offices:

1. Director of ~~Public Works~~ the Transportation and Development Department and the City Engineer for review of proposed street system; for review of street plans and compliance with City street standards; for tentative determination of street and drainage improvement and maintenance requirements; and for review of water supply and sewerage disposal proposals as well as reclaimed water distribution facilities, if required.

2. Community Services Director for recommendations regarding parks and recreation spaces.

3. Chief of Police and Chief of Fire Department for review of features of proposed development relating to their respective areas of operation.

4. Superintendent of the appropriate school district for information and comments.

5. Where the land abuts a State or County highway, ~~to~~ the State or County Highway Department for recommendations regarding right-of-way and intersection design.

6. ~~To i~~Interested utilities for recommendations.

7. Planning or Engineering Department of any abutting political entity.

8. Maricopa County Flood Control District.

9. Maricopa County Department of Environmental Quality.

C. The reviewing offices should transmit their recommendations and requirements to the Subdivision Review Committee in writing. The ~~Planning~~ Department receives and summarizes the recommendations and requirements of the Subdivision Review Committee members, and presents it to the Commission.

48-7.3. Preliminary plat approval.

A. If the Department report indicates that the requirements of this Code have been met, the Commission shall consider the preliminary plat at a regular meeting within thirty (30) days of the date of completion of the report.

B. After considering the proposal the Commission shall make a recommendation including its reasons therefor to the City Council.

C. The City Council shall consider the preliminary plat and the Commission recommendations on the next available agenda after receipt of the recommendations from the Commission.

D. The City Council shall disapprove or conditionally approve the preliminary plat.

48-7.4. Significance of preliminary plat approval. Preliminary plat approval constitutes authorization for the subdivider to proceed with preparation of the final plat and the engineering plans and specifications for public improvements. Preliminary plat approval is based upon the following terms:

A. The preliminary plat as conditionally approved shall not be substantially changed prior to the expiration date.

B. Approval is valid for a period of twelve (12) months from date of City Council approval. A six (6) months' extension of the preliminary plat approval may be granted by the City Council upon receipt of a letter, indicating proper cause, from the subdivider prior to expiration date.

C. Preliminary plat approval, in itself, does not assure final acceptance of streets for dedication nor does it assure continuation of existing zoning requirements for the tract or its environs.

48-7.5. Information required for preliminary plat submittal.

A. The information hereinafter required as part of the preliminary plat submittal shall be shown graphically, by note on plans, or by letter, and may comprise several sheets showing various elements of required data. All mapped data for the same plat shall be drawn at the same standard engineering scale, said scale having not more than one hundred (100) feet to an inch. Whenever practical, scale shall be adjusted to produce an overall drawing measuring twenty-four (24) by thirty-six (36) inches.

B. The subdivider shall also file one (1) photo mechanical transfer print (PMT) of the preliminary plat. The PMT's shall be eight and one-half (8½) inches by eleven (11) inches in size and so arranged that each may be bound as a right-hand page in a book with a blank margin not less than one and one-half (1½)

inches wide along the left, the margin being included in the eight and one-half (8½) inch dimension.

C. The subdivider shall file one (1) Mylar each of the subdivision at a true scale of one (1) inch to two hundred (200) feet. The Mylars shall contain lot layout, street configuration, and street names.

D. The subdivider shall file one (1) computer disk containing the final plat and all required submittals in a format suitable for computer generation of stored information.

48-7.6. Identification and descriptive data.

A. Proposed name of subdivision and its location by section, township and range; reference by dimension and bearing to a section corner or quarter section corner.

B. Name, address and phone number of subdivider.

C. Name, address and phone number of the engineer, surveyor, landscape architect, or land planner preparing plat.

D. Scale, north point and date of preparation, including dates of any subsequent revisions.

E. A location map which shall show the relationship of the proposed subdivision to existing community facilities which serve or influence it, including main traffic arteries, public transportation lines, shopping centers, elementary and high schools, parks and playgrounds, and churches. This map may be on the preliminary plat, but if this is not practical, then a separate map showing title, scale, north point and data shall be provided.

48-7.7. Existing conditions data.

A. Topography by contours or "spot elevations" related to USGS survey datum, or other datum approved by the City Engineer, shown on the same map as the proposed subdivision layout. Contour interval shall be such as to adequately reflect the character and drainage of the land.

B. Location of floodplains, water wells, streams, canals, irrigation laterals, private ditches, washes, lakes, or other water features; direction of flow; location and extent of areas subject to inundation, whether such inundation be frequent, periodic or occasional.

C. Location, widths and names of all platted streets, railroads, utility right-of-way of public record, public areas, permanent structures to remain, including City Utilities and municipal corporation lines within or adjacent to the tract. Two (2) copies of a preliminary title report showing the above shall be submitted.

D. Name, book and page numbers of any recorded adjacent subdivision having common boundary with the tract.

E. By note, the existing zoning classification of the subject and adjacent tracts.

F. By note, the acreage of the subject tract.

G. Boundaries of the tract to be subdivided shall be delineated and fully dimensioned.

H. A Phase I Environmental Assessment in accordance with current ASTM Standards.

48-7.8. Proposed conditions data.

A. Street layout, including location, traffic calming measures, width of public and private streets, alleys, crosswalks and easements; connections to adjoining platted tract.

B. Typical lot dimensions (scaled); dimensions of all corner lots and lots on curvilinear sections of streets; each lot numbered individually; total number of lots.

C. Location, width and use of easements.

D. Designation of all land to be dedicated or reserved for public use with use indicated.

E. If plat includes land for which multifamily, commercial or industrial use is proposed, such areas shall be clearly designated together with existing zoning classification and status of zoning change, if any.

F. Reserved.

G. Typical lots showing building footprints/envelope dimensioned, with proposed setbacks.

48-7.9. Proposed utility methods.

A. *Sewage disposal:* It shall be the responsibility of the subdivider to furnish the City Engineer such evidence satisfactory to the City Engineer regarding the design and operation of sanitary sewage facilities proposed. A statement as to the type of facilities proposed shall appear on the preliminary plat.

B. *Water supply:*

1. The developer shall submit evidence of adequate volume and quality of potable water supply satisfactory to the City Engineer and substantiated by letter from ~~that~~ the ~~City Water~~ Municipal Utilities Department.

2. It shall be the responsibility of the developer to furnish the City Engineer such evidence satisfactory to the City Engineer regarding the provision, design and proposed uses of a distribution system for the transport and use of reclaimed water where such use is planned or required.

C. *Stormwater disposal and retention:* Preliminary calculations and layout of proposed system and locations of retention areas, subject to approval of the City Engineer.

Section 19. Section 48-8 of Chapter 48, Chandler City Code, is hereby amended to read as follows:

48-8. Stage III: Final plat.

This stage includes the final design of the subdivision, engineering of public improvements and submittal of the final plat and plans by the subdivider, for review and action by the Council.

48-8.1. Zoning. Land use proposed shall be in conformance with the Chapter 35 of the Code (Zoning), and any zoning amendment necessary shall have been adopted by the City Council prior to Council approval of the final plat.

48-8.2. Easements.

A. It shall be the responsibility of the subdivider to dedicate to the City on the final plat such easements in such location and width as required for utility purposes. Prior to filing the final plat the subdivider shall have submitted the plat to the person(s) authorized to perform plat review for the utility interests. Prior to final plat review by the Department, a letter shall have been received from said interested utilities signifying that easements shown on the final plat are complete and satisfactory for utility purposes.

B. Avigational easement and release: It shall be the responsibility of the subdivider to dedicate to the City on the final plat such easements and releases in such location and width as required for the avigational easement and release for property within the Airport Impact Overlay District. The subdivider of said property shall dedicate to the City on the final plat an avigational easement over the subject property and release the City from all liability for any and all claims for damage originating from dust, noise, vibration, fumes, fuel and lubricant particles, etc.

C. Said Airport Impact Overlay District includes all property within two (2) areas: one (1) bounded by Pecos Road, Kyrene Road, Ray Road and Price Road; and the second bounded by Arizona Avenue, Ocotillo Road, Gilbert Road and Pecos Road.

D. The avigational easement and release form shall be available from the City.

48-8.3. Final plat preparation. The final plat shall be prepared in accordance with requirements set forth in this chapter and shall substantially conform to the approved preliminary plat.

48-8.4. Final plat submission.

A. The subdivider shall file with the Department the final plat and eight (8) true copies thereof, together with a letter of transmittal at least twenty-one (21) days prior to the Council meeting at which staff has calendared for consideration of the final plat.

B. The subdivider shall also file one (1) photo mechanical transfer print (PMT) of the final plat after all certificates have been signed. The PMT's shall be eight and one-half (8½) inches by eleven (11) inches in size and so arranged that each may be bound as a right-hand page in a book with a blank margin not less than one and one-half (1½) inches wide along the left, the margin being included in the eight and one-half (8½) inch dimension.

C. The subdivider shall file one (1) Mylar each of the subdivision at a true scale of one (1) inch to two hundred (200) feet. The Mylars shall contain lot layout, street configuration, and street names.

D. The subdivider shall file one (1) computer disk containing the final plat and all required submittals in a format suitable for computer generation of stored information.

48-8.5. Final plat review.

A. The Department, upon receipt of the final plat submittal, shall immediately record the receipt and date of filing and check it for completeness. If incomplete, the date of filing shall be voided and the submittal shall be returned to the subdivider. If complete, the Department shall review the plat for substantial conformity to the approved preliminary plat and refer copies of the submittal to the following reviewing offices, ~~who~~ which shall make known their recommendations to the Department for its report to the City Council:

1. Director of ~~Public Works~~Transportation and Development and the City Engineer, for approval of proposed street system, for examination of survey

computations of the plat, and for approval of sewer, water, reclaimed water system, stormwater retention and other public works issues.

2. Community Services Director, when applicable.

B. The Department shall assemble the requirements and recommendations of the various reviewing offices, prepare a concise summary of recommendations, and submit said summary together with the reviewer's requirements and recommendations to the City Council. In the event that the Department finds that the final plat does not conform essentially to the preliminary plat, as approved by the Council, then the final plat shall be rejected by the Department and shall not be considered by the City Council. If the developer desires to substantially modify the preliminary plat, an application to amend the preliminary plat may be filed to be considered by the Commission and the City Council in the same manner and with the same requirements as the original preliminary plat.

48-8.6. Final plat approval.

A. Upon receipt of a request for Council action from the Department, the Clerk shall place the case on the agenda of the next regular City Council meeting, whereupon the Council shall approve or deny the plat.

B. If the Council rejects the plat, the Council shall make findings indicating in what manner the final plat substantially differs from the approved preliminary plat.

C. If the Council approves the plat, the Clerk shall transcribe a certificate of approval upon the plat, first making sure that the other required certifications have been duly signed, and that engineering plans have been approved by the City Engineer.

D. When the certificate of approval by the Council has been transcribed on the plat, the Clerk shall cause the approved final plat to be recorded in the Office of the County Recorder of Maricopa County and distribute originals of the recorded plat to the ~~Public Works~~ Transportation and Development Department, the County Recorder, and a print of the recorded plat to the County Assessor, all at the expense of the subdivider.

48-8.7. Method and medium of presentation for final plat submittal.

A. The plat to be recorded shall be drawn with India ink on linen or four (4) mm Mylar having a left-hand margin of two (2) inches on a sheet size of twenty-four (24) inch by thirty-six (36) inches. If more than two (2) sheets are required for the drafting of the final plat, an index sheet shall be filed showing the entire subdivision on one (1) sheet and the portion thereof contained on the other sheets.

B. Copies of the final plat to be recorded shall be reproduced in the form of blue or black line prints on a white background.

C. The final plat to be recorded shall be drawn to a scale not to exceed two hundred (200) feet to the inch, from an accurate survey.

48-8.8. Identification data required.

A. A title which includes the name of the subdivision and its location by number of section, township, range and county.

B. Name, address and registration number of seal of the registered land surveyor preparing the plat.

C. Scale, north arrow and date of final plat preparation.

48-8.9. Survey data required.

A. Boundaries of the tract to be subdivided fully balanced and closed, showing all bearings and distances, tangents and radii, central angles, curve lengths and radial bearing on nontangent curves, determined by an accurate survey in the field and property corners identified as set or found. All dimensions shall be expressed in feet and decimals thereof.

B. Any excepted parcel(s) within the final plat boundaries shall show all bearing and distances; determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals thereof.

C. Location and description of cardinal points to which all dimensions, angles, bearings and similar data on the final plat shall be referenced (basis of bearing); each of two (2) corners of the subdivision traverse shall be tied by separate course

and distance to separate section corner or quarter section corners. All corners must be identified and noted on the plat whether the corners are found or set.

D. Location of all physical encroachments upon the boundaries of the tract.

48-8.10. Descriptive data required.

A. Name, right-of-way lines, courses, lengths, width of all public streets, alleys, and utility easements; radii, points of tangency and central angles of all curvilinear streets and alleys; radii of all rounded street line intersections.

B. All drainage ways and drainage easements shall be shown on the final plat.

C. All easements for rights-of-way provided for public services or utilities and any limitations of the easements. Construction within the easement shall be limited to public services, utilities, and wood, wire or removable section type fencing.

D. Location and all dimensions of all lots.

E. All lots shall be numbered by consecutive numbers through the plat. "Exceptions," "tracts" and "private parks" shall be so designated, lettered or named, and clearly dimensioned.

F. Location, dimensions, bearing, radii, arcs and central angles of all sites to be dedicated to the public with the use clearly indicated.

G. Location of all adjoining subdivisions with book and page number of recordation noted, or if unrecorded or unsubdivided, so marked.

H. Any proposed private deed restrictions or restrictive covenants to be imposed upon the plat or any part or parts thereof pertaining to the intended use of the land shall be typewritten and attached to the plat and to each copy submitted. Deed restrictions shall in no way be less restrictive than zoning regulations imposed by the City of Chandler.

48-8.11. Dedication and acknowledgment.

A. *Dedication:* Statement of dedication of all streets, alleys, crosswalks, drainageways, pedestrian ways, and other easements for public use by the person holding title of record, by persons holding title as vendees under land contract, and by wives of said parties. If lands dedicated are mortgaged, the mortgagee shall also sign the plat.

B. [*Written location:*] Dedication shall include a written location by section, township and range, of the tract. If the final plat contains private streets, the public utilities shall reserve the right to install and maintain utilities in the street right-of-way.

C. *Acknowledgment of dedication:* Execution of dedication acknowledged and certified by a notary public.

48-8.12. Required certifications. The following certifications are required:

A. Certification by the registered land surveyor making the plat that the final plat is correct and accurate and that the monuments described in it have either been set or located as described. The signature of such surveyor shall be accompanied by seal.

B. Certification by the ~~Planning and Development~~ Director that the final plat is in essential conformance with the approved preliminary plat.

C. Certification by the City Engineer that all engineering conditions and requirements of this chapter and imposed by the City Council as conditions of approval have been complied with.

D. Certification by the City Clerk of the date the map was approved by the City Council.

E. Certificate of recordation by the County Recorder.

Section 20. Subsections *48-12.4* and *48-12.5* of Section 48-12 of Chapter 48, Chandler City Code, are hereby amended to read as follows:

48-12.4. Construction and inspection.

A. All relocation, tiling and reconstruction of irrigation facilities shall be constructed in compliance with the owning utility and/or the City standards and approved by the Director ~~of Public Works~~.

B. All improvements in a public right-of-way and/or easement shall be constructed by the subdivider unless other agreement is made in writing with the City, but all such improvements require inspection and approval by the Department ~~of Public Works~~. Construction shall not be commenced until an encroachment permit pursuant to Chapter 46 has been issued for such construction, and if construction is discontinued for any reason, construction shall not begin again until the Department has been notified. The subdivider shall pay permit fees and inspection fees as established by Council resolution.

C. All underground utilities to be installed in streets shall be constructed prior to the surfacing of such street. Service stubs to platted lots within the subdivision for underground utilities shall be placed to such length as not to necessitate disturbance of street improvements when service connections are made. The developer shall provide the Department ~~of Public Works~~ three (3) complete and approved copies of all engineering plans, signed and sealed by a registered professional engineer, prior to final plat approval.

48-12.5. Required improvements. All required improvements described in this section shall be constructed in accordance with appropriate City Codes, standard details and specifications and all other City Regulations. Such improvements must be completed and accepted in writing by the ~~Public Works~~ Department prior to occupancy of any home, dwelling, unit or other building in the subdivision. This requirement shall not prohibit the construction of required improvements in phases, the boundaries of which shall be designated on the preliminary plat and each phase shall be recorded as a separate final subdivision plat. When construction is undertaken in phases, such phasing must have been approved as part of the preliminary plat approval and all required improvements shall have been approved and accepted prior to the occupancy of any building within that phase of the development. No certificate of occupancy shall be issued and no person shall occupy any building or structure until all required improvements have been completed in accordance with the requirements set forth herein.

Section 21. Subsections *48-12.9*, *48-12.10*, *48-12.11* and *48-12.12* of Section 48-12 of Chapter 48, Chandler City Code, are hereby amended to read as follows:

48-12.9. Storm drainage. The subdivider shall make proper and adequate provision for disposal of stormwaters; this shall apply equally to grading of private properties and to public streets. Existing major watercourses shall be maintained and dedicated as drainage ways. The type, extent, location and capacity of drainage facilities shall be determined for the individual subdivision by the Director ~~of Public Works~~ and shall be constructed in accordance with adopted City Standards.

48-12.10. Sanitary sewage disposal. The subdivider shall install sewage disposal facilities to serve each lot and be subject to the following standards and approvals:

A. Individual septic systems may be constructed only in areas where the City Engineer determines City sewer service is not available as set forth in Chapter 51 of this Code, and then only when the following conditions are met to the satisfaction of the Department~~ of Public Works~~:

1. Soil absorptivity is adequate.

2. Construction shall comply with approved standards and Maricopa County Department of Environmental Quality regulations.

3. The location of the septic system shall be such that efficient and economical connection can be made to a future public sewer.

4. The subdivider shall plan and construct "dry" sewers within and for the subdivision for connection with a future public system.

B. The subdivider shall install public sanitary sewers in areas in which City Sewer Service is available as set forth in Chapter 51 of this Code; and shall construct such sanitary sewers in accordance with plans, profiles and specifications approved by the Department~~ of Public Works~~ and the Maricopa County Department of Environmental Quality.

C. In areas where public sanitary sewers are not accessible but where the future owning agency agrees to effect temporary disposal of sewage by means of a temporary package plant, the subdivider shall plan and construct sewers within and for the subdivision for connection with a future public system.

48-12.11. Water supply.

A. The subdivider shall supply each lot with safe, pure and potable water in sufficient volume and pressure for domestic use in accordance with City Standards.

B. Reclaimed water may be utilized for certain purposes as designated by the City Engineer, such as but not limited to irrigation of parks, parkways, green belts, and other landscaping, lakes, firefighting, and where permitted by law, for industrial purposes. Evidence of a supply of reclaimed water in sufficient volume and pressure for the proposed use must be ascertained by the developer and satisfactory evidence provided to the Director~~ of Public Works~~.

C. The subdivider shall supply fire flow water, whether supplied from a potable water source or from reclaimed water, in sufficient volume and pressure to meet the requirements of the Uniform Fire Code. Fire hydrants shall be

installed at the expense of the subdivider in accordance with current City Standards at locations designated by the City Engineer, but in no case further than four hundred fifty (450) feet apart in single-family residential developments and three hundred (300) feet apart in multifamily, commercial and industrial developments.

48-12.12. Irrigation facilities. The subdivider shall tile and/or relocate all irrigation laterals, delivery and tailwater ditches within the boundary of a subdivision or adjacent to a boundary and within an adjoining right-of-way, in accordance with standards of the owning agency as may be required by the Department ~~of Public Works~~ and the owning agency. Where street improvements require relocation of control gates or other structures, such relocation and reconstruction shall conform to the Department's ~~of Public Works~~ and the owning agency's requirements. The Commission may recommend open irrigation facilities for agrarian and large-lot subdivisions.

Section 22. Subsection *48-13.2* of Section 48-13 of Chapter 48, Chandler City Code, are hereby amended to read as follows:

48-13.2. Process. The preparation, submittal, review, and approval of all minor land divisions located within the City shall proceed through the following progressive stages, except when otherwise provided herein:

A. Pre-application conference with the members of the Subdivision Review Committee.

B. Submittal of the minor land division application and map by the subdivider and review through the Subdivision Review Committee and the City Engineer.

C. Approval, conditional approval or denial of the application by the ~~Planning and Development~~ Director.

D. Recordation of the approved minor land division.

Section 23. Subsection *48-13.4* of Section 48-13 of Chapter 48, Chandler City Code, are hereby amended to read as follows:

48-13.4. Minor land division design standards and requirements. Except where expressly modified or permitted by the ~~Planning and Development~~ Director, all minor land divisions shall be in general conformity with the lot, street, block, alley, and easement design standards and requirements specified for subdivisions. All lots created by a minor land division shall conform to existing zoning and the City General Plan.

Section 24. Subsection *48-13.5.*B.5 of Section 48-13 of Chapter 48, Chandler City Code, is hereby amended to read as follows:

> 5. The ~~Planning and Development~~ Director may require as a condition for the waiver of the required minor land division improvements, the execution of an acceptable form of assurance to the City of Chandler attesting that the owner(s), their heirs, successors, or assigns agree that they will participate in the cost of the improvements abutting their property at a later date whenever it is deemed necessary by the City based upon future development in the immediate area.

Section 25. Subsection *48-13.6* of Section 48-13 of Chapter 48, Chandler City Code, is hereby amended to read as follows:

48-13.6. Minor land division applications. The subdivider shall submit an application in the form prescribed by the Department together with the application fee established by Council resolution and the information and materials required by the ~~Planning and Development~~ Director. The subdivider shall also submit a title report showing the ownership history of the property demonstrating that a subdivision is not required.

Section 26. Subsection *48-13.8*, *48-13.9*, and *48-13.10* of Section 48-13 of Chapter 48, Chandler City Code, are hereby amended to read as follows:

48-13.8. Application approval. If the ~~Planning and Development~~ Director finds that the proposed land division meets all of the requirements of this Code and the application conforms to good land planning policies and any new lots created are suitable for the purpose for which they are divided, the application shall be approved or conditionally approved. The ~~Planning and Development~~ Director shall transcribe a certificate of approval upon the map, first making sure that:

A. All conditions of approval have been complied with;

B. The other required certifications have been duly signed; and

C. That any instruments for required street right-of-way and utility easement dedications have been prepared, executed, and duly recorded.

After approval of the minor land division and certification of approval by the ~~Planning and Development~~ Director, the applicant shall pay to the City the fee charged by the

Maricopa County Recorder for the recordation of the map, and the City Clerk shall then promptly cause the map to be recorded with the Maricopa County Recorder.

48-13.9. Denial: If the ~~Planning and Development~~ Director disapproves of the minor land division application, the subdivider will be furnished a letter stating the reasons for the denial. The application may be re-filed if suitable revisions can be made to resolve the conflicts noted by the ~~Planning and Development~~ Director as originally proposed without additional fee if re-filed within thirty (30) calendar days of the notice of denial.

48-13.10. Appeal. An applicant aggrieved by the decision of the ~~Planning and Development~~ Director may file a subdivision application and follow the procedure therein to bring the application before the City Council.

Section 27. Subsection *48-13.12* of Section 48-13 of Chapter 48, Chandler City Code, is hereby amended to read as follows:

48-13.12. Assurance for the construction of minor land division improvements. If improvements are required for the minor land division pursuant to section 48-5.5 herein, no building permit for any lot created will be issued until such improvements are completed and the work accepted by the City Engineer. Required improvements may be deferred or waived by the ~~Planning and Development~~ Director if the subdivider provides improvement assurance as outlined in Chapter 47 or if all such required improvements have been completed and paid for, as determined by the City Engineer.

Section 28. Sections 49-2 and 49-3 of Chapter 49, Chandler City Code, are hereby amended as follows:

The term "Public Works Director" is hereby replaced with the term "Director of the Transportation and Development Department".

Section 29. Section 51-2 of Chapter 51, Chandler City Code, is hereby amended to read as follows:

51-2. Management of sewer system.

A. Except for those matters for which the Director of ~~Public Works~~the Transportation and Development Department or the City Engineer has been expressly designated to control, the Director of the Municipal Utilities Department is hereby designated to manage and control the City sewer system.

B. It shall be the responsibility of the City Engineer to keep accurate records of all sewer main installations.

C. It shall be the responsibility of the City Engineer to approve and issue permits for all connections to the City sewer system.

D. To maintain management flexibility as to the delegation of functions and activities between the ~~Public Works~~Transportation and Development Department and the Municipal Utilities Department, the term "Public Works Director" when used in this Chapter shall be read as "either the ~~Public Works~~ Director of the Transportation and Development Department or the Director of the Municipal Utilities Department."

Section 30. Sections 51-5 and 51-6 of Chapter 51, Chandler City Code, are hereby amended to read as follows:

51-5. Destroying sewer pipes, impeding flow of sewage, interfering with City Employees.

A. It shall be unlawful for any person to dig up, out, open or destroy the pipe, or any manhole, of any sewer used by the public in the City or in any manner to impede the flow of sewage conducted thereby and therein, or to interfere with the operation of such sewer or sewer system without the permission of the Director of ~~Public Works~~the Transportation and Development Department.

B. It shall be unlawful to interfere with any officer or employee of the City charged with management, construction, operation or maintenance of the wastewater system in the discharge of their duties.

51-6. Property owner responsibility for maintaining building service line and private sewer mains.

The building service line and private mains shall consist of all piping, both on the owner's property and in the City right-of-way, down to and including the tap and tapping saddle on the City Sewer Main. The property owner shall be responsible for cleaning, unstopping, maintenance, and repair of the building service line and any private sewer mains from the owner's home or building to the public sewer main; except that, where the correction of a stoppage requires the repair or replacement of a damaged or broken section of the building service line or private sewer main that is within the public right-of-way, such as a City street or alley, and serving a single-family or a duplex property, the ~~Public Works~~Transportation and Development Department shall make the repair or replacement up to the owner's property line.

Section 31. In Section 52-1 of Division I, Chapter 52, Chandler City Codes, the definition of the *Director of Public Works* is amended as follows:

Director of Public Works: Either the Director of the ~~Public Works~~Transportation and Development Department or the Director of the Municipal Utilities Department, depending on the department designated responsibility for the applicable function by the City Manager. In the absence of a specific designation of authority by the City Manager or in this Chapter, it will be the Director of the Municipal Utilities Department charged with enforcement of the provisions of this chapter.

Section 32. Section 52-19 of Division II, Chapter 52, Chandler City Code, is amended to read as follows:

52-19. Tiling of irrigation ditches required.

All open irrigation ditches or canals, on or adjacent to properties to be developed, shall be tiled prior to approval and occupancy of the project. Ditches which are no longer used for the conveyance of water may be abandoned when approved by the owner of the ditch. When approved by the Directors of the Transportation ~~Planning~~ and Development Department and by the Director of Community Services, open ditches may be landscaped and transformed into a linear park system in lieu of tiling. All tile shall be installed in accordance with the recommendations of a registered professional civil engineer on grades and in pipe sizes established by such engineer. Plans prepared by said engineer shall be submitted to and approved by the City Engineer. This requirement shall apply to all projects submitted for approval or reapproval under the provisions of the Chapter 48 Subdivisions and/or Chapter 35 Land Use and Zoning. The City Engineer may grant an exemption for active ditches located on land designated for freeway right-of-way when determined by the City Engineer that such an exemption will not result in an unsafe condition.

Section 33. Section 52-29 of Division III, Chapter 52, Chandler City Code, is amended to read as follows:

52-29. Extension of water service outside City limits.

A. The Director of ~~Public Works~~the Transportation and Development Department, in consultation with the Director of the Municipal Utilities Department~~ and Director of the Planning and Development Department~~, may authorize the extension and service of City Water beyond the territorial limits of the City upon the following terms and conditions. Any applications which do not conform to all terms and conditions, or which, for any reason are recommended for denial, shall be presented to the City Council for determination.

1. The proponents of such extension and service shall pay in full for the rights-of-way, construction, engineering, installation, inspection and testing of all lines, pipes, mains, meters and other appurtenances necessary for the service, and the same shall be installed in accordance with current City standards. All easements required for construction or maintenance of the mains shall be dedicated to the City.

2. Water mains and appurtenances installed in public rights-of-way or easements shall, upon approval by the City Engineer, be accepted by the City for ownership and maintenance, and the City shall have exclusive control, supervision and management of same.

3. The property to be served shall be within the limits of the City's designated water service area as shown on plans maintained by the City Engineer.

4. Applicants for water service shall be charged for meters, service lines, development fees, buy-ins, water rates and any other fees as prescribed by the Council.

5. The property owner of the premises to be served by City water shall sign an agreement with the City which provides for annexation to the City upon request by the City. This agreement shall not be construed as limiting the right of the owner or any other successor-in-interest to the "owner" for all or any portion of the real property to appear and testify in support of or in opposition to zoning changes, building permits, or any other official act affecting such real property before a governmental body of officials considering such matters, including but not limited to the ability to file such protest and objections as may be permitted by law considering the formation of an improvement district, the extent of the district, or any assessment or contract related thereto.

6. The property to be served shall meet the same development standards required of properties within the City limits to the maximum extent reasonably possible as determined by the ~~City Development Services Manager~~Director of the Transportation and Development Department.

B. The Council may deny or cause service beyond the City limits to be discontinued following thirty (30) days' written notice to affected properties if it finds that continued service seriously threatens or endangers the efficient and adequate service within the City. Before discontinuance, the customer shall be advised in writing of the opportunity to meet with designated personnel to present any objections.

C. The Council may deny or discontinue water service, subject to notification as described above, to any premises occupied or used for disorderly or illegal purposes, or upon which is conducted any business or activity offensive to surrounding standards, or upon which is situated or kept any dilapidated or unsightly structures or materials.

Section 34. In Section 53-1 of Chapter 53, Chandler City Code, the definition of the term *Approved* is amended to read as follows:

Approved: Accepted by the ~~director of public works~~Director of the Transportation and Development Department as meeting an applicable specification stated or cited in this chapter, or as suitable for the proposed use.

Section 35. Section 53-17 of Chapter 53, Chandler City Code, is amended to read as follows:

53-17. Extension of reclaimed water service outside City limits.

The Director of ~~Public Works~~the Transportation and Development Department, in consultation with the Director of the Municipal Utilities Department~~ and the Director of the Planning and Development Department~~, may authorize the extension and service of City reclaimed water services beyond the territorial limits of the City upon the following terms and conditions. Any applications which do not conform to all terms and conditions, or which, for any reason are recommended for denial, shall be presented to the City Council for determination.

A. The proponents of such extension and service shall pay in full for the rights-of-way, construction, engineering, installation, inspection and testing of all lines, pipes, mains, meters and other appurtenances necessary for the service, and the same shall be installed in accordance with current City standards. All easements required for construction or maintenance of the mains shall be dedicated to the City.

B. Reclaimed water mains and appurtenances installed in public rights-of-way or easements shall, upon approval by the City Engineer, be accepted by the City for ownership and maintenance, and the City shall have exclusive control, supervision and management of same.

C. Applicants for reclaimed water service shall be charged for turnouts, service lines, development fees, buy-ins, reclaimed water rates and any other fees as prescribed by the Council.

D. The property owner of the premises to be served by City reclaimed water shall sign an agreement with the City which provides for annexation to the City upon request by the City. This agreement shall not be construed as limiting the right of the owner or any other successor in interest to the "owner" for all or any portion of the real property to appear and testify in support of or in opposition to zoning changes, building permits, or any other official act affecting such real property before a governmental body of officials considering such matters, including but not limited to the ability to file such protest and objections as may be permitted by law considering the formation of an improvement district, the extent of the district, or any assessment or contract related thereto.

E. The property to be served shall meet the same development standards required of properties within the City limits to the maximum extent reasonably possible as determined by the ~~City Development Services Manager~~Director of the Transportation and Development Department.

53-17.1. The Council may deny or cause service beyond the City limits to be discontinued following thirty (30) days' written notice to affected properties if it finds that continued service seriously threatens or endangers the efficient and adequate service within the City. Before discontinuance, the developer shall be advised in writing of the opportunity to meet with designated personnel to present any objections.

53-17.2. The Council may deny or discontinue reclaimed water service, subject to notification as described above, to any premises occupied or used for disorderly or illegal purposes, or upon which is conducted any business or activity offensive to surrounding standards, or upon which is situated or kept any dilapidated or unsightly structures or materials.

Section 36. Section 54-2 of Chapter 54, Chandler City Code, is amended to read as follows:

54-2. Duties of the Director of the Municipal Utilities Department.

In addition to those functions, powers and duties given to the Director of the Municipal Utilities Department by other provisions of this Code, the Director shall:

A. Direct and manage the Municipal Utilities Department, any divisions assigned thereto and the personnel therein.

B. Administer programs for the repair, maintenance and operation of City water, wastewater, reclaimed water, fire hydrants and solid waste facilities except to the extent such administrative functions have been otherwise delegated by the City Manager.

C. Administer programs for the operation of City water, wastewater, reclaimed water and solid waste facilities in compliance with all applicable laws except to the extent such programs have been otherwise delegated by the City Manager.

D. Possess those powers, duties and functions consistent with the Charter and with all ordinances and other acts of the Council which are given to the Director of Public Works or Municipal Utilities Director of a municipal corporation by the laws of the State of Arizona applicable to a Charter City, except to the extent those powers, duties and functions have been otherwise delegated by the City Manager.

E. Perform such other programs or functions related to public utilities, water and water resources, reclaimed water, wastewater and solid waste that the City Manager may, from time to time, authorize or request.

F. Coordinate with the Director of ~~Public Works~~the Transportation and Development Department and the City Engineer on projects related to the construction, installation, alteration or improvement of City water, wastewater, reclaimed water and solid waste facilities.

G. Coordinate with the Director of ~~Public Works~~the Transportation and Development Department and the City Engineer with respect to engineering or inspection programs conducted by the ~~Public Works~~Transportation and Development Department related to City water, wastewater, reclaimed water and solid waste facilities.

Section 37. Pursuant to A.R.S. § 48-3615 and Section 1-8 of the Chandler City Code, any person found guilty of violating the provisions of Section 43-5 of the Chandler City Code, as adopted pursuant to this Ordinance No. 4356, shall be guilty of a class 2 misdemeanor. A class 2 misdemeanor is punishable by a fine not to exceed SEVEN HUNDRED FIFTY DOLLARS ($750.00), by imprisonment for a term not exceeding four (4) months, by probation for a term not exceeding two (2) years, or by any combination thereof. The sentence to pay a fine that is imposed on an enterprise convicted of a class 2 misdemeanor shall be an amount not more than TEN THOUSAND DOLLARS ($10,000.00).

INTRODUCED AND TENTATIVELY APPROVED by the City of Chandler, Arizona, this _____ day of _____, 2012.

ATTEST:

_____ _____

CITY CLERK MAYOR

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this _____ day of _____, 2012.

ATTEST:

_____ _____

CITY CLERK MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4365 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2012, and that a quorum was present thereat.

_____
CITY CLERK

PUBLISHED:

APPROVED AS TO FORM:

_____
CITY ATTORNEY GAB