ORDINANCE NO. 4802

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, DECLARING THAT DOCUMENT ENTITLED "CITY CODE CONFORMING AMENDMENTS TO ORDINANCE NOS. 4788 AND 4789" TO BE A PUBLIC RECORD; MAKING CONFORMING AMENDMENTS TO VARIOUS SECTIONS AND SUBSECTIONS OF CHAPTERS 11, 21, 29, 32, 40, 44, 45, 46, 47, 48, 49, 50, 51, 52 AND 53 OF THE CODE OF THE CITY OF CHANDLER, RELATING TO CODE AMENDMENTS MADE TO CHAPTER 43 PUBLIC WORKS AND UTILITIES DEPARTMENT, THE REPEAL OF CHAPTER 54 MUNICIPAL UTILITIES AND THE ADDITION OF CHAPTER 34 DEVELOPMENT SERVICES DEPARTMENT AND TO AMEND CHAPTER 27 FIRE, HEALTH AND MEDICAL PROTECTION TO CHANGE THE OFFICIAL NAME FROM CHANDLER FIRE, HEALTH AND MEDICAL DEPARTMENT TO CHANDLER FIRE DEPARTMENT; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY.

WHEREAS, on January 11, 2018, Chandler City Council approved Ordinance No. 4788, for the purpose of merging the Municipal Utilities and the Transportation and Development Department that was renamed the Public Works and Utilities Department; and

WHEREAS, on January 11, 2018, Chandler City Council approved Ordinance No. 4789, to create the Development Services Department; and

WHEREAS, Chandler City Council will adopt this ordinance for the purpose of making all conforming amendments to Ordinances 4788 and 4789 and to amend Chapter 27 of the City code to amend the official name of the Fire, Health and Medical Protection Department to the Chandler Fire Department.

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

Section 1. That certain document known as the "City Code Conforming Amendments to Ordinance Nos. 4788 and 4789", one paper copy and one electronic copy of which shall remain on file in the office of the City Clerk, is hereby declared to be a public record.

Section 2. That the Chandler City Code is hereby amended by the adoption of "City Code Conforming Amendments to Ordinance Nos. 4788 and 4789", said document having been declared to be a public record.

Section 3. Providing for Repeal of Conflicting Ordinances.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance, or any parts hereof, are hereby repealed.

Section 4. Providing for Severability.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

INTRODUCED AND TENTATIVELY APPROVED by the City of Chandler, Arizona, this 12th day of April, 2018.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this 26th day of April, 2018.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4802 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 26th day of April, 2018, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLISHED in the Arizona Republic on May 4, and May 11, 2018.

CITY OF CHANDLER CORPORATE SEAL ARIZONA

CITY CODE CONFORMING AMENDMENTS TO ORDINANCE NO. 4788 AND NO. 4789
{Public Record for Ordinance No. 4802}

Section 1. Subsection 11-10.2 of Section 11-10 of Chapter 11, of the Chandler City Code, is hereby amended to read as follows:

11-10.2 Construction Noise.

A. It shall be unlawful for any person to perform any construction work in the City, except within the time periods specified herein. As used in this section, "construction work" shall include (1) operating construction-related equipment; (2) performing outside construction work; (3) performing outside repair work on buildings, structures or projects; (4) operating a pile driver, power shovel, pneumatic hammer, derrick, power hoist or other construction-type device; (5) idling or operation of concrete mixing trucks; and (6) pouring concrete.

B. Construction work occurring within five hundred (500) feet of a residential property may not begin prior to 5:00 a.m. and may not continue beyond 10:00 p.m. on weekdays. Notwithstanding the foregoing, construction work occurring within five hundred (500) of a residential property shall not begin prior to 7:00 a.m. and must stop by 7:00 p.m. on any Saturday, Sunday or holiday. For the purposes of this section, a "residential property" is defined as a lot, parcel or tract of land containing one (1) or more dwelling units, and distance is measured from lot lines with any intervening public right-of-way being included in the measurement.

C. Notwithstanding the foregoing, performing of construction work in a public place or right-of-way located within five hundred (500) feet of a residential property may begin prior to 5:00 a.m. and may continue beyond 10:00 p.m. on weekdays and prior to 7:00 a.m. and beyond 7:00 p.m. on any Saturday, Sunday or holiday, provided that an encroachment permit allowing such an extended time period is obtained. Said encroachment permit shall be kept on the work site and shown to City officials on request. For the purposes of this section, a "public place" is defined as any real property owned, maintained or controlled by the City.

D. Nothing herein shall be construed to prohibit emergency construction work that is necessary to provide essential services such as water, sewer, electricity, data/communications, or gas to any property or to remedy an immediate threat to the public safety or the safety of the inhabitants of any given property.

E. The Directors of the ~~Transportation and~~ Development SERVICES OR THE PUBLIC WORKS AND UTILITIES Department 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 DESIGNATED CITY ENGINEER ~~Director of the Transportation and Development Department~~ 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 DESIGNATED CITY ENGINEER ~~Director of the Transportation and Development Department~~ 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 Director of THE ~~Transportation and Development~~ PUBLIC WORKS AND UTILITIES Department OR THE DEVELOPMENT SERVICES DEPARTMENT. An appeal to the City Manager of the decision of the Director of the ~~Transportation and Development~~ PUBLIC WORKS AND UTILITIES Department OR THE DEVELOPMENT SERVICES DEPARTMENT may not be made prior to the date of notice of the final decision of the Director of the ~~Transportation and Development~~ PUBLIC WORKS AND UTILITIES Department OR THE DEVELOPMENT SERVICES DEPARTMENT.

2. The permittee may appeal the final decision of the Director of the ~~Transportation and Development~~ PUBLIC WORKS AND UTILITIES Department OR THE DEVELOPMENT SERVICES 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. A timely appeal shall result in a stay of any decision of the Director, 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 shall be final.

Section 2. Subsection 21-1 of Chapter 21, of the Chandler City Code, is hereby amended to read as follows:

21-1. - Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words not defined shall be given their normal, ordinary meaning.

Applicant shall be defined as any person who submits an application to conduct a mobile food unit business pursuant to this article, including the person or authorized designee owning, operating, or conducting the mobile food unit to be licensed.

Authorized City Representative shall be defined as the Director, Director designee, code enforcement inspector, license inspector, police officer, park ranger, special event coordinator, or other City employee who has been given the responsibility of implementing or enforcing this Chapter as designated by the City Manager.

Catering shall be defined as a transaction where the exchange of money or contracted agreement for single payment takes place and the supply or delivery of food is the sole purpose of the activity at the establishment.

Corporate Plaza shall be defined as a cluster, complex, or campus style business establishment primarily designated for non-retail use.

Director shall be defined as the Management Services Director or designee.

Dust-free shall be defined as a property that is maintained dust-free by paving with one of the following methods: (1) asphaltic concrete, (2) portland cement concrete, (3) a penetration treatment of asphaltic material and a seal coat of asphaltic binder and mineral aggregate, or (4) the equivalent of the above as approved by the DESIGNATED CITY ENGINEER ~~Transportation and Development Department~~.

Food shall be defined as any product sold for human consumption, prepackaged or prepared, of which the sale is not prohibited by law.

Mobile Food Unit shall be defined as a food establishment designed to be readily movable from which food is composed, compounded, processed, or prepared and from which food is vended, sold, or given away. This definition shall include but not be limited to food establishments in operation from a vehicle, enclosed trailer, cart, or pushcart.

Mobile Conveyance Unit shall be defined as a subset of mobile food unit, and one, which moves quickly and readily from place to place, stopping only to complete a point of sale transaction. This definition shall include but not be limited to ice cream trucks or other food service trucks moving in a route type fashion, stopping for no longer than fifteen (15) minutes per stop.

Owner's Authorized Representative shall be defined as a person identified in writing by a private property owner as authorized to manage and supervise one or more real properties owned by said private property owner.

Person shall be defined as set forth in Chapter 1, Section 1-2.

Private Property Owner shall be defined as a person, persons or legal entity listed as the current titleholder of real property, as recorded in the official records of the Maricopa County Recorder's Office.

Promotional Event shall be defined as an event where the general public has been invited to attend by either the property owner or the mobile food unit, whether or not that invitation is via social media or by any other means.

Responsible Party shall be defined as a manager, owner, agent, supervisor, or individual designated by the owner, or any fiduciary or person with power of attorney or other person who is having charge of or who has direct responsibility for a mobile food unit while in operation.

School shall be defined as a privately or publicly owned place of learning that includes an elementary, middle, junior high, high school, college, or university.

Temporary shall mean not making exclusive use of a specific location by operating for longer than six (6) hours during any twenty-four (24) hour period.

Temporary Sales and *Promotional Event* shall be defined as a private property event held for a short duration and only on developed commercial property sites such as a temporary carnival/fair, trade show, temporary amusement event, vehicle display, outside sale, parking lot sale, tent sale, business promotion, or other short duration events that involve temporary sales.

Section 3. Subsection 29-1.2 of Article I of Section 29-1 of Chapter 29, of the Chandler City Code, is hereby amended to read as follows:

29-1.2. Designation of building official. The City ~~Transportation and~~ DEVELOPMENT SERVICES Department Building Official is hereby designated as the building official, or such other official designated as the applicable code official in any code adopted by reference in this chapter, for purposes of this article and the codes adopted by reference in this chapter.

Section 4. Subsection 32-3.C.2.b. (5) and (8) of Section 32-3 of Chapter 32, of the Chandler City Code, is hereby amended to read as follows:

32-3. - Special events—Permitting Committees.

A. The special events and TSPE application processes are overseen by City staff working groups. The Community ~~and Neighborhood~~ Services Director or designee may appoint a City employee and/or group of employees within the City to oversee each application process.

B. Powers and duties of the Special Events Permitting Committees:

1. To coordinate with City Departments and with other governmental agencies for the provision of governmental services for special events.

2. To review and approve, deny or conditionally approve applications for special event permits.

3. To make recommendations to the City Department Directors, City Manager's Office and/or City Council regarding allocation of City resources for special events.

C. Special Events Committee:

1. *Duties.* The Special Event Committee oversees the special event applications.

2. *Members.* The Special Events Committee is hereby established consisting of City employees as follows:

a) Special Events Coordinator who is the Committee Chair.

b) One (1) or more representatives as appointed by the relevant Department Directors from:

(1) City Attorney's Office.

(2) Downtown Redevelopment Manager.

(3) Police Department.

(4) Fire Department.

(5) Community ~~and Neighborhood~~ Services.

(6) Management Services.

(7) Communications and Public Affairs.

(8) ~~Transportation and Development~~ PUBLIC WORKS AND UTILITIES

(9) Additional staff members as needed.

c) One (1) individual representing the following organizations:

(1) Downtown Chandler Community Partnership.

(2) Mayor's Committee for ~~Disability~~ PEOPLE WITH DISABILITIES.

d) The Special Events Committee will meet twice a month on the first and third Thursdays during normal business hours. Meeting will not take place on City holidays or when there are no applications or business to review.

e) The Special Event Committee Chair is responsible for maintaining Committee records, arranging meeting times and places, coordinating the application procedures with applicants, issuing permits on behalf of the Committee, and monitoring applicants' compliance with requirements and conditions of the special event permit.

D. Temporary Sales and Promotional Events (TSPE) Committee.

a) Duties. The Temporary Sales and Promotional Events Committee oversees the TSPE applications.

b) Members. The TSPE Committee is hereby established consisting of City staff members as follows:

(1) Community ~~and Neighborhood~~ Services Director and/or designee who will be the Committee Chair.

(2) One (1) or more representatives as appointed by the relevant Department Directors from:

(a) City Attorney's Office.

(b) Police Department.

(c) Fire Department.

(d) Community ~~and Neighborhood~~ Services.

(e) Management Services.

(f) Additional staff members as needed.

(3) The TSPE Committee will meet weekly as application reviews are needed during normal business hours. Meeting will not take place on City holidays or when there are no applications or business to review.

(4) The TSPE Committee Chair is responsible for maintaining Committee records, arranging meeting times and places, coordinating the application procedures with applicants and issuing permits on behalf of the Committee.

Section 5. Subsection 40-6.1.A., B. and E. and Subsection 40-6.2.A.2.a. and 40-6.2.D.2.b. of Section 40-6, Chapter 40, Chandler City Code, are hereby amended to read as follows:

40-6. - [Maintenance, upkeep or repairs of private or commonly owned facilities.]

The City shall not take over maintenance, upkeep or repairs of private or commonly owned facilities built for the benefit of residents and as a condition of development approval, provided, however, in the following circumstances and pursuant to the following provisions the City may consider an exception to this policy if such exception is found to be in the best interest of the City.

40-6.1. Request for City maintenance of private amenities by homeowners' association:

A. A Homeowners' Association desiring the City to take over maintenance of private amenities may make application to the City of Chandler to the DESIGNATED CITY ENGINEER ~~Director of the Transportation and Development Department~~, who shall review the application based upon the criteria outlined in subsection B.

B. The DESIGNATED CITY ENGINEER ~~Director of the Transportation and Development Department~~ after consultation with the Directors of Community Services, DIRECTOR OF ~~Planning and~~ Development SERVICES, DIRECTOR OF Management Services, DIRECTOR OF PUBLIC WORKS AND UTILITIES, and the City Attorney will then prepare a recommendation to the Planning Commission and City Council and set the application for hearing.

C. Where the improvements or amenities were included or required as part of the zoning approval for the development, the Homeowners' Association must initiate both an application for the City to take over maintenance of private facilities and an application to amend the zoning ordinance in accordance with the Zoning Code of the City of Chandler. (In filing such an application, the association must demonstrate that the amendment shall not be contrary to the development quality as previously approved for the project.) Both actions will be placed on the City Council agenda for consideration at the same time.

D. Where the improvements or amenities were included or required as a condition of approval for a subdivision plat, the Homeowners' Association must initiate both an application for the City to take over maintenance of private facilities and an application to amend the conditions of approval of the subdivision plat.

E. Where the improvements or amenities are not part of the zoning approval nor conditions of approval for a subdivision plat, the Homeowners' Association must file the application for the City to take over maintenance of private FACILITIES directly to the City Council. The application shall set forth the reasons relief is requested, the reasons they belief such action would be in the best interest of the

City and describe in detail how they plan to meet the conditions set forth in the policy for any acceptance by the City.

40-6.2. Standards governing determination:

A. *Streets:*

1. *General policy:* The City will not accept private streets for maintenance.

2. *Exception.* To be eligible for any exception to this policy, the applicant shall meet the following minimum requirements:

a) The street is brought up to then current City standards at the homeowners' association's expense. Proof of compliance with standards shall be made through inspections by the DESIGNATED City Engineer and/or a private engineering firm, if requested by the DESIGNATED City Engineer. Expense of inspection shall be that of the Homeowners' Association.

b) The street is dedicated to the public and shall have unlimited/unrestricted use by the general public.

c) Any other modification required to reduce the maintenance effort required by the City. All modifications required for acceptance will be at the Homeowners' Association's expense.

d) It is in the best interest of the City to assume maintenance responsibilities.

B. *Street lights:*

1. *General policy:* The City will not accept maintenance of private street lights.

2. *Exception:* To be eligible for any exception to this policy, the applicant shall meet the following minimum requirements:

a) Street lights are dedicated to the public.

b) Prior to such dedication, are brought up to then current City standards at the Homeowners' Association's expense. Any inventory of spare parts held for a lighting system shall be turned over to the City along with any information needed for ordering of spare parts.

c) Any other modification required to reduce the maintenance effort required by the City. All modifications required for acceptance will be at the Homeowners' Association's expense.

d) It is the best interest of the City to assume maintenance responsibilities.

C. *Recreational amenities:*

1. *General policy:* The City will not take the responsibility for private recreational amenities.

2. *Exception:* To be eligible for any exception to this policy, the applicant shall meet the following minimum requirements.

a) The recreational amenities are dedicated to the public for general public use.

b) The recreational amenities are shown to be of general public benefit and meet City standards for public parks. Some of the factors to be considered in assessing whether or not the amenities are of general public benefit are the accessibility of the amenities to the public outside of the immediate neighborhood, the availability of adequate parking, existing amenities in the area, size of amenity in relation to population in the area, and accessibility of facilities to the handicapped.

c) The facilities to be accepted may not be maintenance- or labor-intensive and shall not require more than four and six-tenths (4.6) acre-feet per acre per year of water for upkeep.

d) Any other modification necessary to reduce the maintenance effort required by the City. All modifications required for acceptance will be at the Homeowners' Association's expense.

e) It is in the best interest of the City to assume maintenance responsibilities.

D. *Landscaped areas:*

1. *General policy:* The City will not accept private landscaped areas for maintenance or publicly owned landscaped areas which have previously been agreed by the Homeowners' Association to be operated and maintained.

2. *Exception:* To be eligible for any exception to this policy, the applicant shall meet the following minimum requirements:

a) The landscaped areas are so located as to be of general benefit and use of the public.

b) Areas are modified to City standards per the requirements of the DESIGNATED CITY ENGINEER ~~Director of the Transportation and Development Department/designee~~ at the Homeowners' Association's expense. By way of example, medians could be required by the DESIGNATED CITY ENGINEER ~~Director of the Transportation and Development Department~~ to be changed to textured or stamped concrete rather than landscaping or low-maintenance/low-water landscaping.

c) Areas are dedicated to the public.

d) The facilities to be accepted may not be maintenance- or labor-intensive and shall not require more than four and six-tenths (4.6) acre-feet per acre per year of water for upkeep or shall be served by grey water.

e) Any other modification required to reduce the maintenance effort required by the City. All modifications required for acceptance will be at the Homeowners' Association's expense.

f) It is in the best interest of the City to assume maintenance responsibilities.

Section 6. Section 44-1 of Chapter 44, of the Chandler City Code, is hereby amended to read as follows:

44-1. - Definitions.

In addition to the definitions set forth in Section 1.2 of this Code, the following terms, as used in this Chapter, shall have the following meanings unless the context clearly requires otherwise:

Administrator means the Director of the ~~Municipal~~ PUBLIC WORKS AND UTILITIES Department or designee.

Alley collection means collection of refuse deposited in three hundred-gallon plastic refuse containers utilized by more than one (1) covered residence and that are located in an alley behind those covered residences.

Basic solid waste services means the collection and disposal of solid waste generated by a covered residence in accordance with this Chapter pursuant to a schedule developed by the administrator to ensure that refuse will be collected once per calendar week and that recyclable materials will be collected once per calendar week.

Bulk materials means materials that are too large to be deposited in a City-provided refuse or recycling container but may be collected by the City pursuant to section 44-6.

Business establishment means any facility utilized to conduct any sort of commercial, business or industrial enterprise, other than a covered residence from which a home-based business is being legally conducted. Business establishments include apartment complexes, multi-plexes, other than covered residences, mobile home parks, hotels, motels, motor inns, and other like establishments providing lodging for travelers, long-term care facilities and nursing homes and activities conducted by nonprofit organizations.

Commercial hauler means any person engaged in collecting, removing, transporting or hauling solid waste on or along any public street, avenue or alley within the City.

Construction debris shall have the meaning set forth in A.R.S. Section 49-701.5.

Covered residence means the following types of residential units located within of the City:

a) Single-family homes;

b) Duplexes;

c) Tri-plexes; and

d) Multi-plexes, other than business establishments, with separate garages for each unit, and that permit curbside collection for each unit.

Curbside collection means collection of refuse deposited in refuse containers, and recyclable materials deposited in recycling containers, that are utilized by a covered residence and moved to the street curb in front of that covered residence on the designated days for collection of refuse and recyclable materials respectively.

Generator means the person who produces or generates the solid waste to which the provisions of this Chapter apply.

Hazardous waste shall have the meaning set forth in A.R.S. Section 49-921.5.

Household hazardous waste shall have the meaning set forth in A.R.S. Section 49-701.13.

Household hazardous waste collection center means that area located within the recycling-solid waste collection center that is designed to accept and accumulate household hazardous waste for processing, recycling and proper disposal.

Landscaping rubble shall have the meaning set forth in A.R.S. Section 49-701.17.

Medical waste shall have the meaning set forth in A.R.S. Section 49-701.19.

Neighborhood drop-off-sites means designated sites throughout the City for the placement of containers for collection of specified recyclable materials.

Recyclable materials means solid waste that is separated from other solid waste for the purpose of recycling or reuse, and that meets the qualitative criteria established by the administrator for recycling.

Recycling shall have the meaning set forth in A.R.S. Section 49- 831.21.

Recycling container means a container used for the placement of recyclable materials for collection by either the City or a commercial hauler permitted pursuant to this Chapter.

Recycling drop-off zone means that area located within the recycling-solid waste collection center designed to accept and accumulate recyclable materials for the purpose of recycling and reuse.

Recycling-solid waste collection center means the City-owned property that houses the refuse drop-off zone, the recycling drop-off zone and the household hazardous waste collection center.

Refuse means solid waste other than recyclable materials placed in a recycling container and unacceptable waste.

Refuse container means a container used for the placement of refuse for collection by either the City or a commercial hauler permitted pursuant to this Chapter.

Refuse drop-off zone means that area located within the recycling-solid waste collection center designed to operate as a transfer facility.

Salvaging shall have the meaning set forth in A.R.S. Section 49-701.27.

Scavenging shall have the meaning set forth in A.R.S. Section 49-701.28.

Scrap metals means ferrous and non-ferrous materials suitable for recycling.

Secondary hauler means any person engaged in a business that generates, collects, removes or hauls solid waste as a by-product of its primary business. Examples of secondary haulers include carpet installers, roofing companies and landscape contractors.

Solid waste shall have the meaning set forth in A.R.S. Section 49-701.01.A, without the exclusions set forth in A.R.S. Section 49-701.01.B.

Special waste shall have the meaning set forth in A.R.S. Section 49-851.A.

Transfer facility shall have the meaning set forth in A.R.S. Section 49-701.34.

Unacceptable waste means the following types of solid wastes that may not be placed in a City-provided roll-off, refuse or recycling container, or placed at the curb for bulk materials collection, and that will not be accepted at the recycling-solid waste collection center:

(a) liquid waste;

(b) septic tank pumpings;

(c) hazardous waste;

(d) household hazardous waste (except at the household hazardous waste collection center);

(e) special waste;

(f) sludge;

(g) vehicle bodies;

(h) vehicle tires or equipment tires (except at the recycling drop-off zone);

(i) livestock or dead domestic animals (except that dead domestic animals under seventy-five (75) pounds will be accepted at the refuse drop-off zone);

(j) batteries, other than small alkaline batteries (except that all batteries will be accepted at the household hazardous waste collection center);

(k) ammunition;

(l) medical waste (except that medical sharps will be accepted at the household hazardous waste collection center);

(m)radioactive waste;

(n) scrap metal (except for bulk collection and at the recycling drop-off zone);

(o) household construction and demolition debris (except at the refuse drop-off zone when authorized by the administrator);

(p) concrete (except that concrete slabs that are less than twenty-four (24) inches by twenty-four (24) inches by twenty-four (24) inches in size will be accepted at the refuse drop-off zone); and

(q) dirt and rocks (except at the refuse drop-off zone when authorized by the administrator).

Vegetative waste shall have the meaning set forth in A.R.S. Section 49-701.36.

White goods means discarded appliances including refrigerators, freezers, oven ranges, water heaters, dishwashers, washers, dryers, kitchen compactors, window unit air conditioners, evaporative coolers, water softeners and other similar large residential appliances.

Section 7. Sections 45-3, 45-4, 45-5 and Subsection *45-8.1* of Section 45-8 of Chapter 45, Chandler City Code, are hereby amended as follows:

45-3. - Right of City to drain basin.

It shall be unlawful for any person owning or controlling a retention basin to permit stormwater to stand therein longer than thirty-six (36) hours. In addition to any penalty provided by law, should the person owning or controlling any privately owned and maintained basin fail, neglect or refuse to drain said retention basin within thirty-six (36) hours, as required in section 45-1 hereof, it shall be the right of the City, upon the authorization of the Director of the ~~Transportation and Development~~ PUBLIC WORKS AND UTILITIES Department, to enter upon the privately owned retention basin property and take such action as may reasonably be necessary to drain said basin. The draining of said basin shall be at the expense of the owner or person controlling such basin.

45-4. - Assessment of costs for drainage.

Upon completion of the work, the Director of the ~~Transportation and Development~~ PUBLIC WORKS AND UTILITIES Department shall prepare or cause to be prepared, a verified statement of account of the actual cost of draining of said basin, the date the work was completed, and the street address and the legal description of the property on which said work was done, including overhead inspection and other incidental costs in connection therewith and shall serve a duplicate copy of such verified statement upon the person owning or controlling such property in the manner prescribed in section 45-5 hereof.

45-5. - Appeal to Council.

The owner or person controlling such property shall have thirty (30) days from the date of service of the assessment to appeal in writing to the Council from the amount of the

assessment as contained in the verified statement. If an appeal is not filed with the City Council within such thirty-day period, then the amount of the assessment as determined by the Director of the ~~Transportation and Development~~ PUBLIC WORKS AND UTILITIES Department, AND shall become final and binding. If an appeal is taken, the Council shall, at its next regular meeting, hear and determine the appeal and may affirm the amount of the assessment, modify the amount thereof, or determine that no assessment at all shall be made. The decision of the Council shall be final and binding on all persons.

45-8. - Non-stormwater discharges.

Except as set forth herein, no person shall cause or allow any solid, liquid or gaseous substance, except for runoff, surface flows and drainage that is comprised solely of stormwater, to be placed on or discharged, either directly or indirectly, to any highway, alley, public place, right-of-way or stormwater collection system within the City, or to any other property owned by the City. The prohibitions set forth in this Section 45-8 include, without limitation, the discharge of swimming pool or spa waters or pollutants that may either come in contact with stormwater or obstruct the intended flow of stormwater to a stormwater collection system.

45-8.1. Exceptions. Unless the quantity or scope of such discharge constitutes a nuisance, the following non-stormwater discharges are not prohibited:

A. Discharges from fire hydrant flushing conducted or approved by the City;

B. Run-off from fire-fighting activity conducted by the City;

C. Discharges of potable water, including uncontaminated groundwater, or from reclaimed water line flushing conducted or approved by the City;

D. Discharges comprised of air conditioner condensate;

E. Discharges from watering for dust control purposes during construction activity pursuant to an approved dust control plan, unless significant materials or sediment enters City right-of-way or a stormwater collection system;

F. Discharges from non-commercial car washes where only vehicle exteriors are washed with water and biodegradable soaps, unless significant materials or sediment enters City right-of-way or a stormwater collection system;

G. Discharges from external building wash down where biodegradable soaps are used, unless significant materials or sediment enters City right-of-way or a stormwater collection system;

H. Discharges from washing pavement not associated with construction activity where biodegradable soaps are used and any hazardous or toxic materials have been

removed, unless significant materials or sediment enters City right-of-way or a stormwater collection system;

I. Discharges from washing pavement or other surfaces associated with construction activity pursuant to an applicable permit where best management practices are utilized to prevent significant materials or sediment from entering City right-of-way or a stormwater collection system;

J. Incidental and non-recurring discharges of irrigation water or discharges associated with landscape irrigation, unless significant materials or sediment enters City right-of-way or a stormwater collection system;

K. Other, similar, discharges expressly approved in writing by the Director of the ~~Transportation and Development~~ PUBLIC WORKS AND UTILITIES Department or designee;

Section 8. In Section 46-1 of Chapter 46, of the Chandler City Code, the Definition of "Department" is hereby amended to read as follows:

Department means that Department, Division or City employee to whom responsibility for the administration of this chapter has been delegated by the City Manager. Generally the Department will be the DESIGNATED City Engineer or the Director of the ~~Transportation and~~ Development SERVICES Department and persons seeking permits pursuant to this chapter may obtain necessary forms and information from the permit counter in the ~~Transportation and~~ Development SERVICES Department.

Section 9. Subsection 46-2.7 of Section 46-2, of Chapter 46, of the Chandler City Code, is hereby amended to read as follows:

46-2.7 Terms of construction.

A. All work done or uses made under such permits shall be to the satisfaction of the City and shall be in accordance with the terms and conditions of the encroachment permit and all adopted regulations, standards and specifications of the City including the regulations and specifications for pavement restoration. Installation of all facilities shall meet the standard specifications, details and requirements of the Department. The Department may require a permittee to retain an approved utility line identification or locator service such as Arizona Blue Stake.

B. The permittee shall, to the satisfaction of the City, repair all water and sanitary service lines, streets, sidewalks, curbs, gutters or other property, structures, improvements or facilities damaged by construction or operation pursuant to the permit. All such repairs shall be done in accordance with City standard specifications, details and requirements of the Department.

C. *No pavement cuts in new streets.*

1. Permission to excavate in new streets shall not be granted for two (2) years after completion of street construction, reconstruction or renovation (major rehabilitation). Utilities shall determine alternate methods of making necessary repairs to avoid excavating in new streets. Exceptions to the above are as follows:

(a) Emergency which endangers life or property.

(b) Interruption of essential utility service.

(c) Work that is mandated by city, county, state or federal legislation.

(d) Service for buildings where no other feasible means of providing service exists.

For the purposes of the section, a street is considered "new" when it is first constructed, when it is reconstructed or when it is renovated. Renovation shall mean a major rehabilitation, which shall include mill and overlay or other similar roadway improvement work that physically modifies the surface of the roadway prior to applying new roadway surface or other similar work as determined by the DESIGNATED City Engineer. Reconstruction shall mean completely rebuilding all the lanes of the street by removing all the pavement and aggregate base course material, re-compacting the sub-base and restoring the base material and then completely re-paving for a distance approved by the DESIGNATED City Engineer. The Director of the ~~Transportation and Development~~ PUBLIC WORKS AND UTILITIES Department/designee shall determine the date of completion for new streets and the date each street was last reconstructed or renovated, based on the date the street was opened or reopened for traffic.

2. In addition to the payment of the Pavement Restoration Fee, a condition of any street cut permit for cutting the pavement of a street within one (1) year of construction, reconstruction or renovation, shall be that the permittee renovate such street by mill and overlay/inlay, for a minimum of the full width of all lanes impacted by the cut(s) (outside lane includes to the curb) and for arterial streets extending a minimum length of fifty (50) feet both directions from the area of the cut(s) and for collector streets extending a minimum length of twenty-five (25) feet both directions from the area of the cut(s), all as more specifically directed by the DESIGNATED City Engineer/designee. Provided, however, for pavement cuts smaller than two (2) square feet, the requirement to renovate the street by mill and overlay/inlay shall not apply. All permits which are issued under subsections (a) through (d) above shall be in accordance with the City of Chandler Standard Details and Specifications.

D. *Pavement Restoration Fee.*

1. Whenever any encroachment permit is required to cut into, open, bore, attach to, or make any break or disturbance to the street pavement of any arterial or collector street within the City, the permittee shall, in addition to the repairs required by this City Code, pay to the City the Pavement Restoration Fee established by Council Resolution in the City Fee Schedule. The Pavement Restoration Fee adopted by Council resolution shall be reviewed annually with the budget for street repair.

2. The pavement restoration fee shall be paid to or at the time a street cut permit is issued. In the event changes or amendments to the street cut permit are required, which would result in a change in the amount of the Pavement Restoration Fee, an adjusted fee shall be assessed and charged as follows:

(a) if the original pavement cut approved was from one (1) square yard up through twenty (20) square yards, the pavement restoration fee shall be recalculated and an adjusted fee assessed if the increase/decrease to the pavement cut is one (1) square yard or larger.

(b) if the original pavement cut approved was from twenty-one (21) square yards up through one hundred (100) square yards, the pavement restoration fee shall be calculated and an adjusted fee assessed if the increase/decrease to the pavement cut is more than five (5) percent of the original.

(c) if the original pavement cut approved was for more than one hundred (100) square yards, the pavement restoration fee shall be recalculated and an adjusted fee assessed if the increase/decrease to the pavement cut is more than five (5) square yards.

Such amended permit shall be applied for and any additional fees shall be paid within one (1) week of the field change or prior to any new encroachment permits issued to applicant.

3. The Director of the ~~Transportation and Utilities~~ PUBLIC WORKS AND UTILITIES Department may authorize payment of the fee by the City upon finding that a street cut was made on an emergency basis to avoid a threat to public health, life or safety, or in an extraordinary circumstance the fee may be paid by the City upon approval of the City Council.

E. *Construction signs required for work.* Whenever any work is being done in the City streets, easements or right of way for which approval by the City of a traffic control plan is required, the person or persons performing such work shall maintain at the site of such work at all times during which any such work is being done, signage meeting the requirements set forth below and providing information to the public as follows:

1. If the work will take one (1) week or longer to perform such signage shall:

   (a) Be installed so that the bottom of the sign is at least seven (7) feet above grade, or as otherwise approved by the City Transportation Engineer;

   (b) Be at least three-foot by five-foot in size or large enough to contain all the information required below whichever is larger.

   (c) Be placed in such positions that they can be read by traffic from each direction.

   (d) Be colored "construction orange" with black letters.

   (e) Have block letters at least six (6) inches in height;

   (f) Contain the following information: the name of the company for whom the work is being performed; the name of the contractor actually performing the work; a general description of the work to be done; the time frame within which the work will be performed, i.e. the date work will commence and the date all work will be completed; a twenty-four-hour contact phone number where persons may speak with a representative of the company for whom the work is being performed or may leave a request to speak with such a representative and for which all calls will be returned by such a representative within twenty-four (24) hours.

2. If the work will take less than one (1) week to perform such signage shall:

   (a) Be installed on temporary supports at an approved location;

   (b) Be placed in such positions that they can be read by traffic from each direction.

   (c) Be colored "construction orange" with black letters.

   (d) Have block letters at least six (6) inches in height;

   (e) Contain the following information: the name of the company for whom the work is being performed; a twenty-four-hour contact phone number where persons may speak with a representative of the company for whom the work is being performed or may leave a request to speak with such a representative and for which all calls will be returned by such a representative within twenty-four (24) hours.

Section 10. Subsection 46-2.14 of Section 46-2, of Chapter 46, of the Chandler City Code, is hereby amended to read as follows:

46-2.14. Cease and *Desist Orders.* Whenever any work is being done contrary to the provisions of this Code, the Director of the ~~Transportation and~~ Development SERVICES Department and/or the DESIGNATED City Engineer may order the unauthorized work stopped by notice in writing served on any person engaged in the doing or causing such unauthorized work to be done, and any such person shall forthwith stop such unauthorized work. Any person performing work in the highway shall have a copy of a valid encroachment permit issued by the City at the site and make such permit available for inspection by the City at all times work is being performed or property or equipment is located in the highway.

Section 11. Subsection 46-3.3. of Section 46-3 of Chapter 46, of the Chandler City Code, is hereby amended to read as follows:

46-3.3. Street closure for neighborhood block party. Persons desiring to temporarily close a neighborhood street for a block party shall obtain a permit pursuant to this section. There is no fee for this permit.

A. The applicant must comply with the following additional requirements.

1. Obtain, complete and sign an agreement to adhere and comply with the requirements as set forth herein.

2. Obtain the signatures of every property owner within the area/block, on the form provided, consenting to the traffic closure.

3. Submit agreement with attachments to City five (5) working days in advance of date of closure.

4. Sign for and provide for the pick-up and return of street barricades. All barricades shall be returned to the City Street Division the next normal business day following the closure date.

5. Erect the necessary portable barricades for street closure.

6. Remove all barricades within one (1) hour of the closure time.

7. In keeping with the City of Chandler noise ordinance, under no circumstances will the block party extend beyond 11:00 p.m.

8. Assume all liability and agree not to hold the City of Chandler responsible for any accidents, bodily injury or damage to private property resulting from street closure as stated on the attached agreement.

9. The applicant/responsible person will be billed and shall reimburse the City of Chandler for all actual costs for the repair or replacement of any damaged or

missing barricades and any City property that may be damaged or destroyed during the block party (i.e., stop signs, speed signs, etc.).

10. The applicant/responsible person will be responsible for cleaning the street of debris and other garbage.

B. The City will do the following:

1. The City will provide the applicant/responsible person with a copy of these regulations at the time applicant obtains a street closure permit and agreement to ensure understanding and compliance of these regulations.

2. Engineering Division will verify addresses listed on the street closure permit and agreement submitted by the applicant.

3. Director of the ~~Transportation and Development~~ PUBLIC WORKS AND UTILITIES Department will approve/disapprove all applications for street closure/block party. Note: Approval will not be granted for closure of collector streets nor the first block of any street where it intersects with a major street.

4. The City will provide the necessary street barricades to the applicant upon receipt of notification from the Engineering Division. Engineering Division will notify the Street Division twenty-four (24) hours in advance of applicant securing necessary barricades.

5. Engineering Division will notify Fire and Police Departments of times, date and location by sending a copy of the approved street closure agreement.

Section 12. Section 46-11 of Chapter 46, of the Chandler City Code, is hereby amended to read as follows:

46-11. - Division VIII Definitions.

In this Division VIII of Chapter 46, unless the context otherwise requires:

Aggrieved person or *person aggrieved* means any person, whose application for a valet parking permit has been denied, or whose valet parking permit is subject to revocation.

Applicant means the person making application for an encroachment permit pursuant to Section 46-13 below.

Department means the DESIGNATED City Engineer. However, persons seeking permits pursuant to this Division VIII of Chapter 46 may obtain necessary forms and information from the permit counter in the ~~Transportation and~~ Development SERVICES Department.

Director means the Director of the ~~Transportation and~~ Development Services Department or the Director's designee other than the DESIGNATED City Engineer.

Downtown Business Organization means an Arizona non-profit corporation or other legal entity, whose membership principally consists of downtown businesses, which is recognized by the Chandler City Council as representing downtown businesses, commercial property owners, and other stakeholders in the marketing and promoting of business activity in the downtown, including, without limitation, through the provision of enhanced municipal services funded through the City's Enhanced Municipal Services District.

Permittee means the person in whose name a valet parking permit is issued to engage in valet parking, and who shall be the owner of the business providing valet parking.

Valet parking permit means the Class 9 permit or encroachment permit issued pursuant [to] Section 46-13 below.

Section 13. Section 46-13 and Subsection 46-13.3 of Chapter 46, of the Chandler City Code, is hereby amended to read as follows:

46-13. - Valet parking permit application process.

The applicant for a valet parking permit shall be the person who is the owner of the business that will provide the valet parking or the owner's authorized agent. The application form shall be filled out completely, signed under oath by the applicant, signed by the owner of each downtown business to be served by the permittee under the valet parking permit, and submitted to the Department by delivering the same to the attendant at the permit counter in the ~~Transportation and~~ Development SERVICES Department. The authority of the agent to act on behalf of the owner shall be evidenced by a writing, signed by the owner, and included with the application at the time it is filed. If the business is owned jointly, then each person who is a joint owner of the business shall be a signatory on the application or on the written document designating the authorized agent.

Concurrent with the filing of the application, the applicant shall deliver notice of the application in accordance with the requirements set out in Subsection 46-1.3.

46-13.3. Notices required of applicant.

A. The applicant shall deliver notice of the proposed valet parking zone to the Downtown Business Organization.

B. If the applicant proposes that the hours of operation will be limited to hours within the period of 5:00 p.m. through 3:00 a.m. the next morning, the applicant also shall deliver notice of the proposed valet parking zone to each owner of:

1. A business that fronts on the proposed valet parking zone;

2. A business located next to a business that fronts on the proposed valet parking zone; and

3. Each business located next to the businesses referred to in subsection 2 above.

C. If the applicant proposes hours of operation that are outside the period of 5:00 p.m. through 3:00 a.m. the next morning, the applicant shall deliver notice of the proposed valet parking zone to each owner of:

1. A business listed in Subsection B above; and

2. A business directly across the street from a business listed in Subsection B above.

D. The notices to be delivered by an applicant for a valet parking permit shall include a diagram clearly indicating the location of the proposed valet parking zone. The notices shall be substantially in the form below:

[Applicant's name]

[Applicant's address]

[Owner of business]

[Business name]

[Business address]

[Applicant's name] is applying for a Class 9 encroachment permit for valet parking. The valet parking zone is proposed to be located near your business at [street address] and is expected to occupy _____ feet (_____') of curb, as shown on the enclosed diagram. If you have any questions or comments or objections to this application, please direct them, in writing, within ten (10) days of your receipt of this notice to:

City of Chandler
C/O DESIGNATED City Engineer
Department of ~~Transportation &~~Development SERVICES
Mail Stop 605, P.O. Box 4008
Chandler, Arizona 85244-4008

Section 14. Sections 47-1, 47-2, 47-4, 47-5 and Subsections 47-5.1. and 47-5.3 of Section 47-5 of Chapter 47, of the Chandler City Code, is hereby amended to read as follows:

47-1. - Definitions.

Those definitions set forth in Chapter 35 Use and Zoning and in Chapter 48 Subdivisions and other divisions of land shall apply in this chapter. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Benefit study: A report adopted by the City Council setting forth the required regional infrastructure necessary for the full development of undeveloped or partially developed lands within a specific study area. The report shall identify each property division existing at the time of its preparation and shall set forth the specific obligation of each property which includes its fair share of the required common infrastructure in the area. The limits of the study area shall be determined by the DESIGNATED City Engineer based on arterial street requirements for a fifteen-year period.

Developer: A developer shall be the individual, firm, corporation, association, syndicate, trust, or other legal entity that files the application and initiates proceedings for the development of land including but not limited to a subdivision, minor division of land, site development plan and/or a zone change in accordance with this Code. Developer shall also include subdivider as defined in Chapter 48. The developer need not be the owner of record of the land.

Median: A raised or flush area designed to separate and control vehicular movement.

Off-site construction: Construction, erection or installation or any change or addition to lands, structures, equipment, facilities or materials located above or below ground within any street, alley, easement or rights-of-way in the City. Off-site construction includes construction of improvements on private property which will later be dedicated to the City or which will serve as community infrastructure even though remaining private property.

Off-site improvement: Those improvements, infrastructure or facilities a developer is required to or does construct or install in conjunction with the development or redevelopment of any property and any off-site construction, including common infrastructure, adjacent to or related to property for which a City permit is being sought for purposes of development, redevelopment or construction. On-site retention basins and other drainage facilities, overhead utility lines, water lines or pipes four (4) or more inches in diameter, sewer lines or pipes eight (8) or more inches in diameter, together with water and sewer services and their appurtenances, shall be deemed off-site improvements as regulated by this chapter of the Code.

Overhead utility lines are defined as those historically conveyed by a series of conductors mounted on poles or other aboveground structures. Included are electric service lines, electric distribution lines (under sixty-nine (69) kilovolt), telephone cables and lines, and lines for other communications systems such as cable-transmitted television.

Private street: A street not owned or maintained by the City.

Right-of-way: Any land which by deed, conveyance, agreement, easement, dedication, usage, zoning condition, process of law or other means is reserved for or dedicated to the general public for street, highway, alley, public utility, or pedestrian walkway purposes and accepted by the City.

Underground or *undergrounding* is the placement of utilities at or below ground with the attendant removal of aboveground poles, conductors and appurtenances as applicable.

47-2. - Design requirements.

All off-site improvements shall be designed, engineered, constructed and installed in accordance with the regulations adopted in Chapters 35, 43 and 48 of the City Code and with all other applicable regulations adopted by the City, State or Federal Government. Right-of-way width and street cross sections shall be as specified in the Chandler Transportation Plan and City of Chandler Standard Details. The DESIGNATED City Engineer shall determine street classifications which are not specified in the transportation plan.

Landscaping within public and private rights-of-way shall meet all requirements for on-site landscaping as prescribed by the zoning code and all other applicable City regulations, and will be subject to approval of the Director of the ~~Transportation and~~ Development SERVICES Department and the DESIGNATED City Engineer.

47-4. - Undergrounding of overhead utility lines.

A. The developer shall place underground all overhead utility lines, either within a proposed development or redevelopment project or within public rights-of-way or easements adjacent to the project, prior to issuance of a certificate of occupancy. This requirement shall apply to all projects submitted for approval or reapproval under the provisions of the Subdivision Code or site development in the Zoning Code. Utility poles and lines are defined herein as the poles, structures, wire, aerial cables and related facilities used in the distribution of electricity or in the transmission of telecommunications, telegraph, data, radio or television communications. This requirement includes both new and existing utility lines on and adjacent to the project, including lines which extend across public streets, alleys and/or easements adjacent to the property being developed or redeveloped. Existing utility lines adjacent to a project shall be under-grounded up to the first existing pole beyond the limits of the property. This requirement includes the undergrounding of all existing overhead service lines attached to the lines to be removed along with necessary conduit, supports, restoration, etc., necessary to convert the service line from overhead to underground. The requirement shall apply regardless of the existence of easements for overhead lines. When high-voltage power lines (above twelve (12) KV or similar) are present, all lines other than the high-voltage lines shall be placed underground.

B. Equipment appurtenant to the underground facilities, such as surface-mounted transformers, pull boxes, pedestal cabinets, service terminals, telephone splice closures, concealed ducts, or other similar on-the-ground facilities normally used with or as design approved by the DESIGNATED City Engineer, may be maintained above ground with the written permission of the DESIGNATED City Engineer for the specific facility to be left above ground.

C. The developer or owner of a development or redevelopment project shall be responsible to make necessary arrangements with the affected utility companies for the installation of required underground facilities, including the payment of any cost therefor as a condition of plan approval.

Nothing contained herein is intended to obligate a providing utility company to install such underground facilities without reimbursement.

D. In those instances where poles to be removed include street lights, the street lights will be replaced with freestanding poles by the developer in accordance with current street light standards.

E. Relief from undergrounding requirements may be considered under the following conditions:

1. Deferment of undergrounding may be requested by a developer in cases where the utility frontage is small (generally less than one thousand (1,000)) feet in length). When deferment is approved, the developer shall obtain an estimate of undergrounding costs from all affected utility companies. The developer shall then be required to provide a cash deposit, letter of credit, certificate of deposit, or other security acceptable to the City Attorney, in an amount equal to the estimated undergrounding costs, as provided by the utility company, associated with the utility frontage of the project. The developer shall also be required to install the ductwork (conduit) required by the utility companies for the future undergrounding prior to issuance of certificate of occupancy. Phasing of projects will be considered based on the particular situation. On projects for which plans are approved in phases, the developer may request delay in payment of estimated costs until approval of plans for the largest phase involving undergrounding, at which time payment for the entire project shall be required. The obligation to pay at the time of a subsequent phase shall be secured by an agreement which shall bind the owner and subsequent buyers for under-grounding costs along the entire applicable frontage. Monies received will be held in a trust account by the City to be used at whatever time the applicable area is converted by the City, utility companies, or other parties to underground utilities.

2. Exemption may be considered where the developer can show that undergrounding will be an unusual economic hardship and the costs of such undergrounding are disproportionate in terms of the utility frontage and the

proportionate frontage of the project under consideration. Examples are cases where development occurs in an area where adjacent land on both sides is already developed (infill situation), and in cases involving additions or modifications to existing sites which represent a minor portion of the total site. All requests for relief must be presented in writing to the Director of the ~~Transportation and~~ Development SERVICES Department prior to plan approval. Consideration for approval shall be in accordance with the purpose, intent and objective of this section. The Director of the ~~Transportation and~~ Development SERVICES Department shall approve or disapprove all formal requests for relief. High-voltage lines which remain after the undergrounding are not considered as grounds for relief. Aesthetics is only one (1) of many reasons for undergrounding of which public safety is paramount. Completion of undergrounding and/or payment of costs shall be required prior to granting of a certificate of occupancy. All new service lines installed shall be underground even though relief may be granted for adjacent existing lines.

F. The requirements set forth above shall not apply to new utility poles and wires erected for purely temporary purposes such as providing temporary building construction power, emergency power, telephone service or the furnishing of power to temporary outdoor activities. A permit for such temporary use shall be obtained from the ~~Director of the~~ ~~Transportation and~~ Development SERVICES Department. The length of the temporary use shall be specified in the permit and may not exceed six (6) months. An additional six-month permit may be issued upon a finding of necessity by the Director of the ~~Transportation and~~ Development SERVICES Department.

47-5. - Off-site construction—Permits, plans and specifications.

The developer must obtain an encroachment permit in accordance with Chapter 46, prior to commencing any work in or on the City highway, street, public property or right-of-way. In addition plans and specifications for and construction of all off-site construction must be reviewed and approval obtained pursuant to this chapter.

Approval of off-site construction plans and specifications is required by the ~~Transportation and~~ Development SERVICES Department prior to issuance of an encroachment permit for off-site construction.

47-5.1. Plan and specification contents; procedure for approval.

A. Plans and specifications shall be submitted indicating that off-site improvements are planned for the project in conformance with City Code, standards, regulations and requirements. These off-site improvement plans and specifications shall be submitted in triplicate with all other building plans and applications together with the plan review fee established by Council resolution. The developer must obtain written approval from the DESIGNATED City Engineer for all off-site improvement plans and specifications prior to issuance of a building permit, encroachment permit or other permit necessary to commence work.

B. The off-site construction plans and specifications shall be prepared and signed by a professional engineer who is qualified and registered by the State of Arizona to practice in the particular field of competency required by the type of improvements.

C. Engineering plans and specifications shall be in conformance with accepted engineering practice and shall conform to the City of Chandler Code, regulations and requirements and be prepared to the satisfaction of the DESIGNATED City Engineer. Vertical and horizontal control surveys shall be tied and referenced or two (2) existing City-approved benchmarks and two (2) section corners or quarter corners. Incomplete or partial submittals will not be accepted.

47-5.3. Approval.

A. Approval of off-site construction plans and specifications shall be valid as basis to issue construction permits for a period not to exceed one (1) year after date of approval. Approval of off-site plans and specifications shall continue to be valid provided construction has commenced and that no suspension or abandonment of the work has occurred. Plans for which construction is not started within one (1) year shall be resubmitted and shall be deemed a new submittal and all fees and charges shall apply.

B. Approval of plans and specifications by the DESIGNATED City Engineer does not relieve the design professional of responsibility for errors or omissions and for the correction of them and liability caused by their occurrence unless they were required to be added or omitted by the DESIGNATED City Engineer.

Section 15. Sections 47-6, 47-7, Subsections 47-7.1, 47-7.2 of Section 47-7 of Chapter 47, of the Chandler City Code, are hereby amended to read as follows:

47-6. - Fee for review of off-site improvement plans and civil improvement plans and specifications.

Plan review fees in an amount established by Council resolution shall be paid at the time plans are submitted. The plan review process shall be deemed started at the time first submission of civil improvement plans are accepted for review by the DESIGNATED City Engineer and the plan review fee shall be paid before any review action is undertaken. Fees shall be based on the number of drawing sheets in the civil engineering plan submission set, to include cover sheets and detail sheets.

47-7. - Inspection and testing of off-site construction.

During off-site construction the City shall provide construction review, including testing of materials, to assess conformity to current City standard specifications and drawings.

A. Inspection of the work by the DESIGNATED City Engineer shall not be considered as direct control of the individual workman and the work. The direct control shall be solely the responsibility of the contractor.

B. Any work done or materials used without inspection and testing or test results approved by an authorized representative of the City of Chandler may be ordered removed and replaced. Failure to reject any defective work or materials shall not in any way prevent later rejection when such defect is discovered nor obligate the DESIGNATED City Engineer to final acceptance.

C. The DESIGNATED City Engineer, for the purpose of expediting and facilitating the progress of the work, shall not inspect all materials, and each part or detail of the work. The DESIGNATED City Engineer shall be furnished at any time with such information and assistance by the contractor as is required to make a complete and detailed inspection.

D. No work will be accepted which is installed prior to dedication of rights-of-way.

47-7.1. Time limit. Completion of off-site construction within the public rights-of-way under permit shall be accomplished within one (1) year after issuance of the permit unless otherwise specifically stated in the permit. This period may be extended if a hardship is acknowledged by the DESIGNATED City Engineer for economic reasons, strikes, unavailability of materials, unseasonable weather or other good and sufficient cause. If an extension of time is not granted, the plans shall be resubmitted for review and a new permit covering the remaining work to be completed shall be required. Fees required under such review and new permit shall be charged according to the fee schedule in effect at the time the new review is requested or new permit is issued.

47-7.2. Fees for inspection and testing. Fees for inspection and testing shall be paid to the City at the time a permit is issued for construction work. The fee shall be computed on the basis of costs per unit of the various construction items and shall be outlined in the current fee schedule adopted by Council resolution. Quantity estimates of the various items involved shall be calculated and certified by the engineer who prepared the plans and specifications for the improvements and shall be submitted to the DESIGNATED City Engineer on forms supplied by the City at the time application for a permit for the work is made.

Any repetition of testing or inspection required because of inferior materials or workmanship, as determined by the City's tests, shall be performed at the developer's expense and shall be paid to the City by developer when notified by the DESIGNATED City Engineer. This service does not relieve the contractor for the discovery of errors, and the correction of them, nor of the responsibility of properly performing the work.

Section 16. Section 47-8 and Subsections 47-8.1 and 47-8.2 of Section 47-8 of Chapter 47, of the Chandler City Code, is hereby amended to read as follows:

47-8. - Approval, acceptance, and assurances of construction.

Upon completion of all improvements in accordance with the City standards, the DESIGNATED City Engineer shall acknowledge in writing acceptance of the off-site improvements. Acceptance shall be conditioned upon a one-year warranty for workmanship, materials and equipment by the developer. After the lapse of the one-year period dated from the letter of acceptance, the improvements shall be considered the maintenance responsibility of the City. If, during the one-year period, the developer is required to replace or repair any improvements, the developer shall secure a new encroachment permit without payment of fee to cover the necessary work. Plans and specifications together with the plan review fee, for such replacement or repair shall be submitted for review and approval unless waived by the DESIGNATED City Engineer.

47-8.1. Partial acceptance. If at any time during the prosecution of the project the contractor substantially completes a unit or portion of the project, such as a structure, utility service, or a section of the road pavement, the developer may request the DESIGNATED City Engineer to make final inspection of that work. If the DESIGNATED City Engineer finds, upon inspection, that the work has been satisfactorily completed in compliance with plans and specifications, s/he may conditionally accept the work as being completed. Acceptance in such cases is conditional on the remaining work being completed without damage and including any final grading adjustments or other minor work. Such partial acceptance shall in no way void or alter any plans and specifications.

47-8.2. Final acceptance. Upon due notice from the contractor of presumptive completion of the entire project, the DESIGNATED City Engineer will make an inspection. If all construction provided for and contemplated by the plans and specifications is found completed to satisfaction of the DESIGNATED City Engineer that inspection shall constitute the final inspection and the DESIGNATED City Engineer will make the final acceptance. The contractor will be notified in writing of this acceptance as of the day of the final inspection.

If, however, the inspection disclosed any work, in whole or in part, as being unsatisfactory, the DESIGNATED City Engineer will give the contractor the necessary instructions for correction of same, and the contractor shall immediately comply with and execute such instructions. Upon correction of the work, another inspection will be made which shall constitute the final inspection provided the work has been satisfactorily completed. In such event, the DESIGNATED City Engineer will make the final acceptance and notify the contractor in writing of the final acceptance as of the date of the last and final inspection.

Section 17. Section 47-9 and Subsections 47-9.1 and 47-9.2 of Section 47-9 of Chapter 47, of the Chandler City Code is hereby amended to read as follows:

47-9. - Performance bond or cash deposit; off-site improvements.

The ~~Planning and~~ Development SERVICES Department, building inspection division, shall deny final approval and certificate of occupancy of any building until the required off-site improvements are completed and have been inspected and approved by the DESIGNATED City Engineer, unless performance of the off-site improvements is guaranteed by a performance bond, approved by the City Attorney and the DESIGNATED City Engineer, or a cash deposit is made with the City in an amount fixed by the City. Under such circumstances, the DESIGNATED City Engineer will grant a conditional acceptance. Warranty period will not begin until the date of final (unconditional) acceptance.

The City may require an occupancy clearance agreement to document the requirements of this section. Model homes may be occupied for sales purposes only subject to the occupancy clearance agreement and satisfactory off-sites to service the models as approved by the Chandler Development Services ~~Division~~ DEPARTMENT.

47-9.1 *Time to complete work.* The developer shall complete work required in the approved off-site improvement plans within thirty (30) calendar days after issuance of the conditional acceptance by the DESIGNATED City Engineer.

47-9.2 *Bond return.* The performance bond or cash deposit or a portion thereof shall be retained by the City to provide completion of the work should developer fail or refuse to do so as in section 47-8.1.

The performance bond or cash deposit or unused portion thereof shall be returned to the depositor upon the approval of the DESIGNATED City Engineer after completion and acceptance of the off-site improvements. Acceptance in such cases is conditional upon the remaining work being competed without damage to the off-site improvement so accepted and including any final grade adjustments or other minor work.

Section 18. Section 47-10 and 47-11 of Chapter 47, of the Chandler City Code, is hereby amended to read as follows:

47-10. - Validity of permit.

The issuance or granting of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of any violation of any of the provisions of this Code. No permit presuming to give authority to violate or cancel the provisions of this Code shall be valid, except insofar as the work or use which it authorizes is lawful.

The issuance of a permit based upon plans and specifications shall not prevent the DESIGNATED City Engineer from requiring correction of errors in said plans and specifications or from preventing construction operations being carried on thereunder when in violation of this Code or of any other ordinance of the City.

47-11. - Deferral of off-site improvements.

The Director of the ~~Transportation and~~ Development SERVICES Department may direct that construction of off-site improvements, or portions thereof, be deferred when such improvements are impractical or premature because of traffic conditions, unavailability of necessary right-of-way, the potential for creation of scalloped streets, or other conditions detrimental to orderly development, and/or because of the known and acknowledged formation or pending formation of an improvement district. Engineering plans for all off-site improvements shall be prepared, submitted and approved in accordance with section 47-4.1, whether or not construction is deferred. Common infrastructure plans will not be required unless determined by the DESIGNATED City Engineer to have a direct impact on the abutting off-sites, such as a bridge or railroad crossing on or adjacent to the parcel to be developed. Plans will include an analysis of drainage and establishment of grades on both sides of the roadway for a minimum of one-fourth (¼) mile beyond the project limits in each direction unless waived or reduced by the DESIGNATED City Engineer. The developer of the property for which a deferral has been issued shall enter into an agreement with the City which shall be recorded to run with the land, and shall post an assurance as set forth below to guarantee the required improvements will be constructed when directed by the DESIGNATED CITY ENGINEER ~~Director of the Transportation and Development Department~~.

Section 19. Subsections 47-11.1, 47-11.2, 47-11.3, 47-11.4, 47-11.5, 47-11.6, 47-11.7, of Section 47-11 of Chapter 47, of the Chandler City Code, is hereby amended to read as follows:

47-11.1. Notice to proceed. The DESIGNATED CITY ENGINEER ~~Director of the Transportation and Development Department~~ will give written notice to proceed with the construction of the improvements previously deferred when necessitated by road condition, current or projected traffic, adjacent construction, or other conditions which require additional access. The developer shall start construction of such improvements within ninety (90) calendar days from the date of such notice and shall conclude such construction within a reasonable time, but in no event longer than one hundred eighty (180) days from the beginning of construction, in accordance with plans approved by the City. If the developer fails to construct any of the off-site improvements when directed, or fails to timely complete construction of the off-site improvements, the City may construct said improvements, or may complete construction of said improvements, and obtain payment therefor from the surety issuing the assurance. The developer's obligation will be satisfied when all required improvements have been constructed by the developer or another party, or when all required improvements have been constructed by an improvement district formed at the discretion of the City.

47-11.2. Performance bond. The DESIGNATED CITY ENGINEER ~~Director of the Transportation and Development Department~~ shall require the posting of performance bonds, letters of credit, assurances or such other security as may be appropriate and necessary to assure the installation of all off-site improvements whenever a deferral of

construction has been issued or project phasing will permit occupancy of any structure prior to final acceptance of all improvements. Said security shall remain in full force and effect until such time as all required off-site improvements are constructed and accepted. In the case of projects which are divided into a number of large parcels subject to additional subdivision at a later time, only the major infrastructure necessary to serve all parcels and adjacent land shall be subject to these requirements. The form of the assurance must be acceptable to the City Attorney and will be in an amount fixed by the DESIGNATED CITY ENGINEER ~~Director of the Transportation and Development Department~~. Receipt of an acceptable assurance will be required at the time of approval of improvement plans.

47-11.3. Partial construction. When it is impractical for the City to accept a financial assurance because the schedule for City improvements is undetermined or unreasonably far into the future, or if for any other reason the improvements are constructed by the developer, the DESIGNATED CITY ENGINEER ~~Director of the Transportation and Development Department~~ will order the construction of one (1) or both sides of sufficient roadway necessary to ensure an orderly traffic flow. The cost of construction of improvements beyond the center of abutting streets or beyond the property limits (other than tapers and other transitional items) shall be applied toward the amount of the developer's total obligation set forth in the benefit study, or the developer may enter into a reimbursement agreement with the City to recover costs from other developers as prescribed in section 47-11.7 below.

47-11.4. Benefit study. The benefit study shall be utilized as the basis of determining a developer's full off-site improvement obligation. Use of the benefit study is required to ensure that the costs of the common infrastructure are equitably borne by all property owners in the subject study area. The amount and the purpose of the obligation for each property owner shall be stated in the benefit study subject to adjustment for inflation based on the ENR Construction Cost Index published by McGraw-Hill, Inc., and actual construction costs. When development occurs in areas which have not been included in benefit studies, the obligations will be estimated by the DESIGNATED CITY ENGINEER ~~Director of the Transportation and Development Department~~ or, at the developer's option, may be determined by a developer-funded benefit study.

47-11.5. Credit. When improvements are developer constructed, the developer will be credited for the improvements s/he constructs against the developer's obligation set forth in the benefit study. Improvements for which credit is applied must be those set forth in the benefit study, but need not be those specific obligations set forth for any particular property. Where possible, the credit will be established with physical quantities such as lineal feet of curb and gutter, square feet of asphalt, etc. Where physical quantities cannot be established, such as portions of railroad crossings, portions of canal improvements, etc., the obligation to be met shall be the estimated current value for the item as set forth in the benefit study. The benefit study analysis and determination of credit for work performed will be accomplished by the City's benefit study consultant at developer expense. If the improvements to be installed by

the developer do not satisfy the full obligation of the property as set forth in the benefit study, the developer may:

A. Install additional improvements, credited at values established by the benefit study as opposed to actual costs, up to the value of the developer's full obligation;

B. Pay the cash differential which will be held in a trust account for use only for the designated improvements; or

C. Provide an appropriate security, approved by the City Attorney, to guarantee construction of the remainder of the developer's obligation when determined necessary by the DESIGNATED CITY ENGINEER ~~Director of the Transportation and Development Department~~ as set forth in B. above.

47-11.6. City participation. When development occurs prior to initiation of City improvements, the City will not be obligated to participate in the developer's off-site construction costs; however, when funds budgeted for City participation in the developer's off-site improvements are available, the City Council may authorize the use of such funds to defray the developer's common infrastructure costs. The amount of such defrayal shall not exceed the amount of City participation set forth in the benefit study for the developer's property.

47-11.7. Reimbursement agreement. When the value of improvements constructed exceeds the developer's obligation as determined by the benefit study, the developer may be entitled to enter into a reimbursement agreement with the City to provide for recovery of costs from others who develop later on land adjacent to the streets constructed by such developer. In those cases where existing development will preclude property owner reimbursement, the City Council may authorize reimbursement from City funds subject to availability of funds. The DESIGNATED CITY ENGINEER ~~Director of the Transportation and Development Department~~ shall determine the amount of improvements eligible for reimbursement, and such determination shall be made a part of the agreement. Reimbursement shall be made on the basis of the benefit study. Procedures for establishing agreements and collection and payment of buy-ins shall be as set forth in section 47-15.3.

Section 20. Subsection 47-12.3 of Section 47-12 of Chapter 47, of the Chandler City Code, is hereby amended to read as follows:

47-12.3. Collectors and arterials. The cost of improvements to major collector and minor and major arterial streets shall be as follows:

A. Where street improvements have not been previously constructed in accordance with City standards, the abutting property owners shall be responsible for costs of all improvements to City standards to the street centerline adjacent to the property, including but not limited to curbs, gutters, sidewalks, asphaltic pavement, tree removals, ditch removals, scuppers and retention basins, irrigation piping and

structures. Where applicable, the property owner shall share with other property owners the cost of streetlights, traffic-control devices, striping, landscaping, intersection construction, temporary pavement, pavement transitions, and miscellaneous removals.

1. Where medians are required, the owner of the property first developing shall install the full median, including curbing, street lighting and landscaping. The developer required to install a full median may request the City to enter into an agreement providing for reimbursement of that portion of the costs which would have been the responsibility of subsequent developers. Reimbursement shall be made on the basis of front footage as determined by the DESIGNATED City Engineer at the rate of half the front foot current cost less the reimbursement transaction fee established by Council resolution which shall be retained by the City to cover administrative costs.

2. Reimbursement shall be made by the City upon receipt of payment from the adjacent or abutting property owners. Such agreements shall be requested of the City by the developer within one (1) year from the date of acceptance of such improvements and shall run for a period not to exceed fifteen (15) years from the date of execution by the DESIGNATED City Engineer, who is hereby authorized to execute the agreements in accordance with the provisions of this section. The agreements shall automatically terminate at the end of the fifteen-year period. The DESIGNATED City Engineer shall establish in July, on an annual basis, the current cost of construction of medians, streetlight and landscaping installations to be used in determining reimbursement charges. Such current cost shall include engineering, construction and inspection costs.

3. Buy-ins for medians shall be collected by the City only when a valid reimbursement agreement is in force. They shall be paid at the time of plan or plat approval.

B. Where the abutting property is an owner-occupied single-family residential use, the costs for the improvement shall be calculated on the basis of local street standards for that portion of the property frontage reasonably related to the single-family residential use, and the difference in cost assumed as a responsibility of the City. Such abutting property owners shall be responsible for the cost of the nineteen (19) feet of pavement nearest the right-of-way property line based upon local street standards together with the necessary curbs, gutters, four-foot-wide sidewalks, and other miscellaneous work required to construct the street improvement.

C. Where the street improvements have been constructed in accordance with City standards in effect at the time of the construction, the street reconstruction shall be at no cost to the property owner if the construction or reconstruction is initiated by the City or persons other than the property owner.

D. If the construction or reconstruction is undertaken by the abutting property owner as an improvement to his or her property, the costs shall be borne by the property owner in accordance with this article.

E. If the construction or reconstruction is initiated by a third party as part of an improvement to an adjacent or nearby property, the cost of construction or reconstruction shall be borne by the third party unless the property owner agrees to assume a share of the improvement costs.

Section 21. Subsections 47-13.1 and 47-13.3 of Section 14-13 of Chapter 47, of the Chandler City Code, is hereby amended to read as follows:

47-13.1. Hearing procedure; determination of necessity.

A. The City Council, at a public hearing, shall determine the necessity of street improvements if the cost thereof is to be assessed against adjacent property. Notice of the hearing shall be given to the owners, and other affected persons who would be assessed for the costs of improvements, by regular mail no less than ten (10) days prior to the date of the hearing. The notice of hearing shall contain:

1. A description of the proposed street improvements.

2. The estimated cost of assessment for each affected parcel of property.

3. The date, time and place that the City Council shall consider the necessity of improvement and adoption of a resolution of intention.

Notice shall also be published in a daily newspaper in five (5) successive issues and, in addition, shall also be conspicuously posted along the line of the proposed improvement at least ten (10) days prior to the hearing on necessity of the improvements.

B. The property owners and any other persons directly interested in the work or in the assessment may, prior to the time fixed for the hearing, file in the office of the City Clerk a written objection, briefly specifying the grounds for objection.

C. At the time of public hearing, the City Council shall hear and pass upon any objections to the proposed improvements; and its decision shall be final and conclusive. It may modify the extent of the proposed improvements and proceed without the necessity for republishing, reposting and remailing new notices.

D. At the conclusion of the hearing, the City Council may pass its resolution of intention directing that plans, specifications and estimates of the cost and expenses of the proposed improvements be prepared by the DESIGNATED City Engineer and filed with the Clerk and order that a call for sealed bids be made.

47-13.3. Right-of-way. When it is necessary to improve a full street and sufficient right-of-way is not available, the DESIGNATED City Engineer may obtain the right-of-way upon terms that are just to the property owner and the City. If right-of-way is not dedicated at time of construction, the cost to the City to purchase the right-of-way shall be considered an expense attributable to the street improvements and shall be assessed against the property at time of development.

Section 22. Section 47-14 and 47-15 of Chapter 47, of the Chandler City Code, is hereby amended to read as follows:

47-14. - Private streets.

Private streets are subject to all requirements of public streets except for street and right-of-way width. They shall be reviewed, approved, inspected and tested in the same manner as public streets and shall include drainage facilities, curbs, sidewalks and streetlights built to City standards. The minimum allowable width of the private streets will be determined by the DESIGNATED City Engineer based on projected traffic volume and availability of off-street parking.

47-14.1. Permits and inspection. Any person constructing or installing private streets or any other privately owned off-site improvement must comply with all of the requirements of this chapter including but not limited to complete inspection and testing for private streets for paving, curb, gutter and drainage facilities. Parking lots and their associated access ways shall receive limited inspection to ensure plan requirements for drainage and thickness of asphalt and base course have been satisfied. Plan review fees and inspection fees for limited inspection will be issued at twenty-five (25) percent of the normal paving fee. Other construction such as sidewalks, streetlights and signs will not require plan review but will be visually checked by the off-site inspector for minimum requirements of approved plans; and such requirements must be satisfied prior to project acceptance. The distinction between private streets and parking lot access ways will be determined by the DESIGNATED City Engineer.

Street name signs and traffic-control devices shall be furnished and installed by the developer in accordance with approved plans prior to project acceptance.

47-15. - Traffic signals and streetlights.

47-15.1. Traffic signal and streetlight reimbursement agreements.

A. When a developer is required to install a traffic signal as part of the development plan, the developer shall be entitled to enter into a reimbursement agreement with the City to provide for recovery of costs from owners of other corners of the intersection which are undeveloped at the time the plans are approved. The reimbursement costs shall be computed by the DESIGNATED City Engineer based on actual construction cost of the signal plus engineering and construction inspection costs. Such determination shall be made a part of the

reimbursement agreement. The total of such reimbursement to the developer shall not exceed the total costs as determined by the DESIGNATED City Engineer less the proportion of the costs applicable to the developer's project. The developer shall furnish the DESIGNATED City Engineer a certified copy of the actual costs when s/he requests the reimbursement agreement. No reimbursement shall be received from others on corners already developed or with valid engineering plans approved for development. The DESIGNATED City Engineer shall determine the applicability and the amount of buy-ins due when development occurs on the other corners of the intersection. As a general rule, one-quarter (¼) of the total cost will be assessed to each corner. Exceptions may apply when the size of a parcel or the amount of traffic generated warrants a different assessment.

B. When streetlights are installed by a developer on local or collector streets, s/he shall be entitled to enter into a reimbursement agreement with the City to provide for recovery of cost from others who develop later on land adjacent to the streetlights installed by such developer. The DESIGNATED City Engineer shall determine the amount of street frontage eligible for reimbursement, and such determination shall be made a part of the agreement. Reimbursement shall be made on the basis of street frontage at rates established by the DESIGNATED City Engineer. Such rates shall include current costs for engineering, construction and inspection and shall be reevaluated annually in July.

C. All reimbursement agreements must be requested by the developer and shall run for a period not to exceed fifteen (15) years from the date of execution by the DESIGNATED City Engineer, who is hereby authorized to execute these agreements in accordance with the provisions of this section. The agreements shall automatically terminate at the end of the fifteen-year period. No agreement shall be approved and executed more than one (1) year after date of acceptance of the improvements, and no reimbursement shall be received from projects by others which have engineering plans approved prior to receipt of the developer's request to enter into such an agreement.

D. Reimbursement shall be made by the City upon receipt of payment from adjacent property owners, less the fee established by Council resolution per reimbursement transaction which shall be retained by the City to cover administrative costs. All agreements shall include the name and address of the recipient of reimbursement payments, and it shall be the developer's responsibility to keep such information current. Agreements may be assigned by the developer upon written notification to the DESIGNATED City Engineer and subsequent written acknowledgement.

E. Buy-in payments. Buy-ins for traffic signals and streetlights shall be collected by the City only when a valid reimbursement agreement is in force. They shall be paid before the final plat, or site development plan is approved.

Section 23. Subsections 47-17.1 and 47-17.3 of Section 47-17 of Chapter 47, of the Chandler City Code, is hereby amended to read as follows:

47-17. - Enforcement and severability.

47-17.1. Cease and desist orders. Whenever any work is being done contrary to the provisions of this Code, the Director of the ~~Transportation and~~ Development SERVICES Department may order the unauthorized work stopped by notice in writing served on any person engaged in the doing or causing such unauthorized work to be done, and any such person shall forthwith stop such unauthorized work.

47-17.3. Appeal procedure. Any developer who has been aggrieved by a decision of the DESIGNATED City Engineer or the Director of the ~~Transportation and~~ Development SERVICES Department, pursuant to action taken in the enforcement of this chapter, to include benefit study standards, criteria, limits, cost assignments, etc., may appeal said decision for consideration by the City Council. Appeals shall be presented in writing to the DESIGNATED City Engineer, who shall prepare a report and recommendation to the Council and notify the appellant in writing of the time and place of the Council hearing. The Council may modify these provisions in such a manner and to such extent as it may deem appropriate to the public interest. The decision of the Council shall be final and conclusive.

Section 24. Section 48-2 of Chapter 48, of the Chandler City Code, is hereby amended to read as follows:

48-2. - Definitions.

For the purpose of this chapter, certain words, terms and phrases are hereby defined. The word "building" shall include the word "structure" and the word "lot" shall include the word "plot."

Alley: A public thoroughfare which affords only a secondary means of access to abutting property.

Block: A piece or parcel of land or group of lots entirely surrounded by public streets, subdivision lines, irrigation canals, highways, streams, railroads or parks, or a combination thereof.

Building setback line: The line indicated by the minimum permitted horizontal distance between the street right-of-way line and building(s) or any projections thereof, other than steps, eaves, chimneys, bay windows and fire escapes.

City general plan: A general plan, or parts thereof, providing for the future growth and improvement of the City of Chandler, and for the general location and coordination of streets and highways, schools and recreation areas, public building sites and other

physical development, which shall have been duly adopted by the City Council (sometimes referred to as a "comprehensive plan").

Commission: City of Chandler Planning and Zoning Commission.

Conditional approval: An affirmative action by the Commission and/or the Council indicating that approval is granted conditioned upon satisfaction of and compliance with certain specified stipulations.

Council: The City Council of the City of Chandler.

Department means the ~~Transportation and~~ Development SERVICES Department established pursuant to Chapter 34 of the Chandler City Code.

Development master plan (DMP): A preliminary master plan for the development of a large or complicated land area, the platting of which is expected in progressive stages. A development master plan may be designed by the subdivider or by the Department and shall be subject to Commission and Council approval.

Director means the Director of the ~~Transportation and~~ Development SERVICES Department.

Division of land: Any land division and shall include subdivisions, land splits, minor land divisions and maps of dedication but do not include lot line adjustments which do not create any new lot.

Equestrian path: An easement located primarily in agrarian-type developments which can be used as horse paths and other recreational purposes and for the installation of utilities. In no event shall a fence, wall or portion thereof be constructed in or over such easement.

Exception: Any parcel of land which is within the boundaries of the subdivision but which is not included in the subdivision.

Highway: Street as defined herein.

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

Land split: The division of improved or unimproved land whose area is two and one-half (2½) acres or less into two (2) or three (3) tracts or parcels of land or lots for the purpose of sale, lease or financing.

Lot: A piece or parcel of land separated from other pieces or parcels by description, as in a subdivision or on a record of survey map or by metes and bounds, for purposes of sale, lease, financing or separate use.

A. *Corner lot:* A lot with frontage on two (2) or more intersecting streets.

B. *Interior lot:* A lot other than a corner lot.

C. *Key lot:* A lot adjacent to a corner lot, having its side lot line in common with the rear lot line of the corner lot and facing on the street which forms the side boundary of the corner lot. (See Appendix Figure 1.)

D. *Through lot:* (double frontage): A lot having frontage on two (2) or more nonintersecting streets.

Lot width: The horizontal distance between the side lot line thirty (30) feet behind the required front setback line and measured parallel to the front property line. (See Appendix Figure 2.)

Map of dedication: A map used to separate land being dedicated to a public entity.

Minor land division: Any division of improved or unimproved land or lands for the purpose of financing, sale, or lease, whether immediate or future, for which a subdivision plat is not required. A land split, a lot line adjustment and a map of dedication shall be considered minor land divisions.

Neighborhood plan: A neighborhood plan is also known as an "area plan" and is a plan designed to guide development of the area and the platting of remaining vacant parcels in a partially built-up neighborhood so as to make reasonable use of all land, correlate street patterns and achieve the best possible land use relationships.

Owner: The person or persons holding title by deed to land, or holding title as vendees under land contract, or holding any other title of record.

Pedestrian way: A public walk dedicated entirely through a block from street to street and/or providing access to a school, park, recreation area or shopping center.

Plat: A map of a subdivision.

A. *Preliminary plat:* A preliminary map, including supporting data, indicating a proposed subdivision development, prepared in accordance with this chapter.

B. *Final plat:* A map of all or part of a subdivision providing substantial conformance to an approved preliminary plat, prepared by a registered land surveyor in accordance with this chapter.

C. *Recorded plat:* A final plat bearing all of the certificates of approval required by this chapter and duly recorded in the Maricopa County Recorder's Office.

Preliminary approval: Approval of the preliminary plat by the Commission and Council as evidenced in its meeting minutes and noted upon prints of the plat; constitutes authorization to proceed with final engineering plans and final plat preparation.

Street: Any existing or proposed street, avenue, boulevard, road, parkway, highway, place, bridge, viaduct or easement for public vehicular access or a street shown in a plat heretofore approved pursuant to law or a street in a plat duly filed and recorded in the County Recorder's Office. A street includes all land within the street right-of-way whether improved or unimproved and includes such improvements as pavement, shoulders, curbs, gutters, sidewalks, parking space, bridges and viaducts.

A. *Freeway:* A divided major thoroughfare having controlled access to adjoining property and shown as such on the transportation plan.

B. *Arterial street:* A major street of exceptional continuity that is intended to carry the greater portion of through traffic from one (1) area of the City to another. These shall include all streets, existing and proposed, which are designated as such on the transportation plan.

C. *Collector street:* A street designed to accommodate traffic within residential neighborhoods with their primary purpose of collecting and distributing traffic to and from the major arteries.

D. *Local street:* A street which has limited continuity with the primary purpose of serving only those lots which are adjacent.

E. *Cul-de-sac:* A short local street having but one (1) end open for vehicular traffic, the opposite end being terminated with a permanent turnaround.

F. *Marginal-access street (frontage road):* A minor service street which parallels and is immediately adjacent to an arterial street or freeway.

Subdivider: A person, firm, corporation, partnership, association, syndicate, trust or other legal entity that files application and initiates proceedings for the development or any division of land in accordance with the provisions of this Code.

Subdivision:

A. Improved or unimproved land or lands divided for the purpose of financing, sale or lease, whether immediate or future, into four (4) or more lots, tracts or parcels of land; or

B. If a new street or new private roadway easement is involved, any division of a parcel of land; or

C. Any such property, the boundaries of which have been fixed by a recorded plat, which is divided in any way which creates a new lot.

"Subdivision" also includes any condominium, cooperative, community apartment, townhouse or similar project containing four (4) or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon; but plats of such projects need not show the buildings or the manner in which the buildings or airspace above the property shown on the plat are to be divided.

Subdivision does not include:

A. The sale of exchange of parcels of land to or between adjoining property owners if such sale or exchange does not create additional lots.

B. The partitioning of land in accordance with other statutes regulating the partitioning of land held in common ownership.

C. The leasing of apartments, offices, stores or similar space within a building or trailer park, nor mineral, oil or gas leases.

Subdivision Review Committee: A Committee established to review proposed development plans, preliminary subdivision plats, land splits and minor land divisions.

Tract: An area of land that has not been subdivided.

Traffic calming measure: Designs implemented in local streets to minimize the impact of high speed, through traffic upon sensitive neighborhood areas.

Transportation plan: An element of the Chandler General Plan, adopted by the City Council, which indicates major streets, parkways, railroads and other transportation facilities.

Usable lot area: That portion of a lot usable for or adaptable to the normal uses made of residential property, excluding any areas which may be covered by water, excessively steep, or included in certain types of easements.

Utilities: Installations of facilities, underground or overhead, furnishing for the use of the public: electricity, gas, steam, communications, water, drainage, sewage disposal or flood control, owned and operated by any person, firm, corporation, or municipality duly authorized by State or municipal regulations. Utility or utilities as used herein may also refer to such persons, firms, corporations, departments or board as sense requires.

Section 25. Section 48-7, Subsections 48-7.2, 48-7.7 and 48-7.9 of Section 48-7 of Chapter 48, of the 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 AND UTILITIES 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.

48-7.2. 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 the ~~Transportation and Development~~ PUBLIC WORKS AND UTILITIES Department, and the DESIGNATED 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, the State or County Highway Department for recommendations regarding right-of-way and intersection design.

6. 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 Department receives and summarizes the recommendations and requirements of the Subdivision Review Committee members, and presents it to the Commission.

48-7.7. Existing conditions data.

A. Topography by contours or "spot elevations" related to USGS survey datum, or other datum approved by the DESIGNATED 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.

48-7.9. Proposed utility methods.

A. *Sewage disposal:* It shall be the responsibility of the subdivider to furnish the DESIGNATED City Engineer such evidence satisfactory to the DESIGNATED 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 DESIGNATED City Engineer and substantiated by letter from the ~~Municipal~~ PUBLIC WORKS AND Utilities Department.

2. It shall be the responsibility of the developer to furnish the DESIGNATED City Engineer such evidence satisfactory to the DESIGNATED 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 DESIGNATED City Engineer.

Section 26. Subsections 48-8.5, 48-8.6 and 48-8.12 of Section 48-8 of Chapter 48, of the Chandler City Code, is hereby amended to read as follows:

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, which shall make known their recommendations to the Department for its report to the City Council:

1. Director of ~~Transportation and Development~~ PUBLIC WORKS AND UTILITIES and the DESIGNATED 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 DESIGNATED 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 ~~Transportation and Development~~ PUBLIC WORKS AND UTILITIES Department, the County Recorder, and a print of the recorded plat to the County Assessor, all at the expense of the subdivider.

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 Director OF DEVELOPMENT SERVICES that the final plat is in essential conformance with the approved preliminary plat.

C. Certification by the DESIGNATED 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 27. Subsection 48-12.4 of Section 48-12 of Chapter 48, of the Chandler City Code, is 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 DEVELOPMENT SERVICES Director.

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 DEVELOPMENT SERVICES Department. 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 DEVELOPMENT SERVICES DEPARTMENT three (3) complete and approved copies of all engineering plans, signed and sealed by a registered professional engineer, prior to final plat approval.

Section 28. Subsection 48-13.2 of Section 48-13 of Chapter 48, of the Chandler City Code, is 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 DESIGNATED City Engineer.

C. Approval, conditional approval or denial of the application by the Director.

D. Recordation of the approved minor land division.

Section 29. Subsection 48-13.12 of Section 48-13 of Chapter 48, of the 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 DESIGNATED City Engineer. Required improvements may be deferred or waived by the 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 DESIGNATED City Engineer.

Section 30. Section 49-3 and 49-4 of Chapter 49, of the Chandler City Code, is hereby amended to read as follows:

49-3. - Officers and bylaws.

The Transportation Commission shall elect a chairperson and vice chairperson from among their members at the first meeting following May of each year. The ~~Director of the Transportation and Development~~ TRANSPORTATION POLICY MANAGER ~~Department~~ or his/her duly authorized representative shall act as secretary of the Commission but shall not be allowed to vote. No officer elected by the Commission shall serve in the same capacity for more than two (2) consecutive one (1) year terms. The Commission may adopt bylaws which may, among other things, set forth the time and place of meetings and the operating procedures of the Commission. All bylaws and any amendments thereto shall be subject to City Council review and approval.

49-4. - Powers and duties generally.

The transportation commission is an advisory commission to the Mayor and Council. The powers and duties of the Transportation Commission shall be:

A. To advise the Mayor and City Council concerning community transportation policy issues including freeway, arterial streets, public transit, bicycle and pedestrian issues.

B. To review, monitor, and propose changes to the transportation study, transit study, bicycle plan and other similar community transportation studies.

C. To assist and advise the ~~Director of the Transportation and Development Department~~ TRANSPORTATION POLICY MANAGER OR DESIGNATED CITY ENGINEER in establishing priorities for budget time for those items, other than administrative functions, relating to transportation programs and projects. The recommendations of the commission shall be forwarded to the City Council by the City Manager when a tentative budget is submitted to the City Council.

D. To work with transportation staff to develop and recommend criteria to guide neighborhood traffic mitigation programs and projects.

E. To act as a form for communication, education, and dialogue with Chandler citizens on transportation issues.

Section 31. Subsection 50-13.A.7. of Section 50-13 of Chapter 50, of the Chandler City Code, is hereby amended to read as follows:

50-13. - Wastewater pretreatment program cost recovery.

A. In order to provide for recovery of City costs associated with the City of Chandler wastewater pretreatment program, the following fee schedule is established:

Industrial User permit application and renewal $480.00
Monthly metered water charge, per 1,000 gallons 0.183
Excess pollutant processing charge:
Per excess lb. BOD* 0.415
Per excess lb. TSS** 0.083
Per excess lb. Ammonia 0.487
*BOD: Biochemical oxygen demand
**TSS: Total Suspended solids

The above fees shall be separate from all other fees chargeable by the City and apply to Industrial Users required to be permitted under the procedures contained in the City's approved Pretreatment Program. Industrial Users that certify no discharging of any process and/or process related wastewater regulated under Federal Pretreatment Categorical Standards shall be exempt from the monthly metered water charge in this section. The monthly metered water charge is measured at the Industrial User's water meter(s) or at the metered combined sewer outfall if approved by the City. These fees relate solely to the pretreatment program requirements and are structured to reimburse the following:

1. Costs of setting up and operating the City's wastewater pretreatment program;

2. Costs of monitoring, inspection and surveillance procedures;

3. Costs of reviewing accidental discharge procedures and construction;

4. Costs associated with processing permit applications and issuing permits;

5. Costs associated with filing appeals;

6. Costs incurred by City for consistent removal of pollutants otherwise subject to Federal pretreatment standards;

7. Other costs deemed necessary to carry out the requirements of the pretreatment program.

Fees shall be reviewed annually each January by the Director of the PUBLIC WORKS AND ~~Municipal~~ Utilities Department to assure they are equitable and sufficient to recover City costs associated with the program as defined above.

B. If any provision, paragraph, word or section of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words or sections shall not be affected and shall continue in full force and effect.

C. All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of such inconsistency of conflict.

Section 32. Section 51-2 of Chapter 51 of the 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 the Transportation and Development~~ THE DIRECTOR OF THE PUBLIC WORKS AND UTILTIES DEPARTMENT ~~or the City Engineer has been expressly designated to control, the Director of Municipal Utilities Department~~ is hereby designated to manage and control the City sewer system.

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

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

D. THE TERM DIRECTOR WHEN USED IN THIS CHAPTER SHALL BE READ AS THE DIRECTOR OF THE "PUBLIC WORKS AND UTILITIES DEPARTMENT." ~~To maintain management flexibility as to the delegation of functions and activities between the 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 Director of the Transportation and Development or the Director of the Municipal Utilities Department."~~

Section 33. Sections 51-5, 51-6 and 51-23 of Chapter 51, of the 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 the ~~Transportation and Development~~ PUBLIC WORKS AND UTILITIES 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 ~~Transportation and Development~~ PUBLIC WORKS AND UTILITIES Department shall make the repair or replacement up to the owner's property line.

51-23. - Trunk sewer reimbursement agreements.

A. In the event a developer installs sewer mains eighteen (18) inches in diameter or larger which provide a means of service to property owned by others and the developer requests the City to enter into an agreement for reimbursement of installation costs of such mains, such agreements shall provide for reimbursement to the developer in the form of an area buy-in assessment charge applied to any developer desiring to connect to any sewer main which ultimately connects to the sanitary trunk sewer main.

B. The buy-in assessment charge shall be computed by the DESIGNATED City Engineer as a cost-per-acre based on actual construction costs of the sewer main determined by competitive bidding plus engineering and construction inspection costs, and on the nominal service area acreage. Such determination shall be made a part of the reimbursement agreement. The total of such reimbursement to the developer shall not exceed total construction cost of the sanitary sewer main less the charge for his/her development. The developer shall furnish the DESIGNATED City Engineer a certified copy of the actual total costs of the extension when he/she requests the City to enter into a reimbursement agreement. Costs of lateral and branch sewers and their appurtenances will not be included in the sanitary sewer main area-based reimbursement agreement.

C. Existing developments already receiving sanitary sewer shall not be assessed on the acreage basis if and when they should be connected to the sewer system which ultimately connects to the sanitary trunk sewer main.

D. Should any parcel located outside the buy-in service area receive sanitary sewer service by connection to a sewer main covered by a reimbursement agreement (its laterals or branch sewers), the acreage assessment shall be applied and the developer reimbursed for such areas pursuant to the terms of the agreement.

E. There may be an overlapping of service areas, but only those lines defined as sanitary trunk sewer mains shall be considered for this type of reimbursement agreement; and the acreage assessment shall be applied to the sewer main which provides service.

F. A reimbursement agreement shall be executed within one (1) year from the date of acceptance of the sewer main by the City and shall run for a period not to exceed twenty (20) years from said date of execution by the DESIGNATED City Engineer, who is hereby authorized to execute said agreements in accordance with the provisions of this section. The agreements shall automatically terminate at the end of said twenty-year period. No agreement shall be approved and executed more than one (1) year after the date of acceptance. No reimbursement shall be made for collections made prior to receipt of the developer's request to enter into such an agreement.

51-23.1. Extension of sewer service outside City limits.

A. The DIRECTOR OF THE ~~City~~—Public Works AND UTILITIES DEPARTMENT ~~Director~~ and the Director of Development SERVICES DEPARTMENT may authorize the extension of City Sewer Service 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 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 and master plans. All easements required for construction or maintenance of the mains shall be dedicated to the City.

2. Sewer mains and appurtenances installed in public rights-of-way or easements shall, upon approval by the DESIGNATED 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 sewer service area as shown on plans maintained by the DESIGNATED City Engineer.

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

5. The property owner of the premises to be served by City Sewer Service 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 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, to 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 DIRECTOR OF THE Development Services 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 sewer 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 52-1 of Chapter 52, of the Chandler City Code, the definition of the *Director of Public Works* is hereby amended to read as follows:

Director of Public Works: ~~Either the Director of the 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~~ PUBLIC WORKS AND Utilities Department charged with enforcement of the provisions of this chapter.

Section 35. Section 52-4, 52-19, 52-29, 52-34, 52-36, 52-40, 52-41, and 52-47 of Chapter 52, of the Chandler City Code, is hereby amended to read as follows:

52-4. – Same - Specifications.

A. It shall be the responsibility of the DESIGNATED City Engineer to approve or direct the type and size of water meter to be installed based on the proposed use. All water meters of three (3) inches or over in size shall be compound meters unless otherwise approved by the DESIGNATED City Engineer.

B. Multiple meter installations in a manifold system are permissible, but each meter so installed shall be equipped with a check valve installed by the owner on the customer side of the meter.

C. Residential meter installations serving both domestic and fire sprinkler systems shall be equipped with a check valve installed by the owner on the customer side of the meter in addition to the check valve in the sprinkler riser.

D. The service line from the main to multiple meter installations must be sized so as to carry a quantity of water equal to the sum of the capacity of all the multiple meters.

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 SERVICES, PUBLIC WORK AND UTILITIES ~~Department~~ and ~~by the Director of~~ Community Services DEPARTMENTS, 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 DESIGNATED 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

DESIGNATED City Engineer may grant an exemption for active ditches located on land designated for freeway right-of-way when determined by the DESIGNATED City Engineer that such an exemption will not result in an unsafe condition.

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

A. The Director of the ~~Transportation and~~ Development SERVICES Department, in consultation with the Director of the PUBLIC WORKS AND ~~Municipal~~ Utilities 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 DESIGNATED 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 DESIGNATED 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 Director of the ~~Transportation and~~ Development SERVICES 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.

52-34. - Cross-connection control; purpose.
[The purpose of cross-connection control is:]

A. To protect the public potable water supply of the City of Chandler from the possibility of contamination or pollution by isolating within its customers' internal distribution system(s) or its customers' private water system(s) such contaminants or pollutants which could backflow into the public water supply system;

B. To promote the elimination or control of existing cross-connections, actual or potential, between the customers' in-plant potable water system(s) and nonpotable water systems, plumbing fixtures and industrial piping systems; and

C. To provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.

52-34.1. Responsibility. The Director of the ~~Transportation and Development~~ PUBLIC WORKS AND UTILITIES Department shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection.

52-34.2. Requirements. If, in the judgment of the Director of the ~~Transportation and Development~~ PUBLIC WORKS AND UTLITIES Department, an approved backflow prevention device is required at the City's water service connection to any customer's premises for the safety of the water system, the Director of the PUBLIC WORKS AND UTILITIES ~~Transportation and Development~~ Department or his/her designated agent shall give notice in writing to the customer to install, operate, test, and maintain such an approved backflow prevention device at each service connection to his/her premises. The customer shall immediately install such approved device or devices at his/her own expense; and failure, refusal or inability on the part of the customer to install the device or devices immediately shall constitute a ground for discontinuing water service to the premises until such device or devices have been properly installed and tested for proper working order.

52-34.3. Exceptions. In the case where residential homes incorporate the use of reclaimed wastewater as a water conservation measure, a backflow prevention device shall be installed by the City at the homebuilder's expense at the time of water meter installation. The device shall be installed in City right-of-way at the downstream side of the City water meter. The device shall be tested and maintained by the City. A reduced pressure principle device is the approved backflow prevention device where reclaimed wastewater is available as an auxiliary water supply.

52-36. - Policy.

A. No water service connection to any premises shall be installed or maintained by the City unless the water supply is protected as required by State laws and regulations and this article. Service of water to any premises may be discontinued by the City if a backflow prevention device required by this article is not installed, tested, and maintained; or if it is found that a backflow prevention device has been removed or by-passed; or if an unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected.

B. The customer's system should be open for inspection at all reasonable times to authorized representatives of the City to determine whether cross-connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, the Director of the PUBLIC WORKS AND UTILITIES ~~Transportation and Development~~ Department may deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with the State and City statutes relating to plumbing and water supplies and the regulations adopted pursuant thereto.

C. An approved backflow prevention device shall also be installed on each service line to a customer's water system in all cases before the first branch line leading off the service line wherever the following conditions exist:

1. In the case of premises having an auxiliary water supply which is not or may not be of safe bacteriological or chemical quality and which is not acceptable as an additional source by the Director of THE Public Works AND UTILITIES DEPARTMENT, the public water system shall be protected against backflow from the premises by installing a backflow prevention device in the service line appropriate to the degree of hazard.

2. In the case of premises on which any industrial fluids or any other objectionable substance is handled in such a fashion as to create an actual or potential hazard to the public water system, the public system shall be protected against backflow from the premises by installing a backflow prevention device in the service line appropriate to the degree of hazard. This shall include the handling of processed waters and waters originating from the utility system which have been subject to deterioration in quality.

3. In the case of premises having a) internal cross-connections that cannot be permanently corrected and controlled, or b) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist, the public water system shall be protected against backflow from the premises by installing a backflow prevention device in the service line.

D. The type of protective device required shall depend upon the degree of hazard which exists as follows:

1. In the case of any premises where there is an auxiliary water supply and it is not subject to any of the following rules, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention device.

2. In the case of any premises where there is water or substance that would be objectionable but not hazardous to health, if introduced into the public water system, the public water system shall be protected by an approved double check valve assembly.

3. In the case of any premises where there is any material dangerous to health which is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention device. Examples of premises where these conditions will exist include chemical manufacturing plants, hospitals, mortuaries, plating plants, sewage treatment plants and sewage pumping stations.

4. In the case of any premises where there are "uncontrolled" cross-connections, either actual or potential, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention device at the service connection.

5. In the case of any premises where, because of security requirements or other prohibitions or restrictions it is impossible or impracticable to make a complete in-plant cross-connection survey, the public water system shall be protected against backflow from the premises by the installation of a backflow prevention device in the service line. In this case, maximum protection will be required; that is, an approved air-gap separation or an approved reduced pressure principle backflow prevention device shall be installed on each service to the premises.

6. In the case of water tankers and spray tanks, an air-gap separation or an approved reduced pressure principle backflow prevention device is required.

E. Backflow prevention assemblies shall have at least the same cross-sectional area as the water service and/or meter. If the water supply cannot be temporarily interrupted for the testing of assemblies, in those instances where a continuous water supply is necessary, two (2) sets of backflow prevention assemblies shall be installed in parallel.

F. Any backflow prevention device required herein shall be of a model and size approved by the Director of THE Public Works AND UTILITIES DEPARTMENT. The term "approved backflow prevention device" shall mean a device that has been manufactured in full conformance with the standards established by the American Water Works Association (AWWA) entitled "AWWA C506-78 Standards for Reduced Pressure Principle and Double Check Valve Backflow Prevention Devices"; and have met completely the laboratory and field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research (FCCC & HR) of the University of Southern California; and has a local parts and service center. Backflow prevention assemblies connected to fire lines must also carry UL-FM approval.

The AWWA and FCCC & HR standard and specifications have been adopted by the Director of THE Public Works AND UTILITIES DEPARTMENT. Final approval shall be evidenced by a certificate of approval issued by an approved testing laboratory certifying full compliance with the AWWA standards and FCCC & HR specifications. The following testing laboratory has been qualified by the Director of THE Public Works AND UTILITIES DEPARTMENT to test and certify backflow prevention assemblies:

> Foundation for Cross-Connection Control and Hydraulic Research University of Southern California University Park Los Angeles, California 90007

Backflow prevention assemblies which may be subjected to back-pressure or back-siphonage that have been fully tested, and have been granted a certificate of approval by FCCC & HR may be listed on the current list of "Approved Backflow Prevention Assemblies," which will be made available upon written request to the Department.

G. It shall be the duty of the customer/user at any premises where backflow prevention devices are installed to have certified inspections and operational tests and repairs made at least once per year. In those instances where the Director of THE Public Works AND UTILITIES DEPARTMENT deems the hazard to be great enough, he/she may require certified inspections at more frequent intervals. These inspections, tests and repairs shall be at the expense of the water user and shall be performed by the device manufacturer's representative, or by a certified tester approved by the Director of THE Public Works AND UTILITIES DEPARTMENT.

H. Assemblies shall be specified and located on the construction plans for all new buildings, additions with new services, and changes of use of existing buildings. Approval shall be obtained prior to issuance of the building permit. This section does not apply to building permits applied for prior to the effective date of this article [November 1, 1990].

I. All presently installed backflow prevention devices which do not meet the requirements of this section but were approved devices for the purposes described herein at the time of installation and which have been properly maintained shall, except for the inspection and maintenance requirements, be excluded from the requirements of these rules so long as the Director of THE Public Works AND UTILITIES DEPARTMENT is assured that they will satisfactorily protect the utility system. Whenever the existing device is moved from the present location or requires more than minimum maintenance or when the Director of THE Public Works AND UTILITIES DEPARTMENT finds that the maintenance constitutes a hazard to health, the unit shall be replaced by a backflow prevention device meeting the requirements of this section.

J. The Director of THE Public Works AND UTILITIES DEPARTMENT or his/her designated representative shall maintain a list of approved backflow prevention assemblies, by type and manufacturer, and a list of certified, approved and recognized individuals to test or perform servicing of those assemblies. The list shall be furnished to any customer required to install or maintain a backflow prevention assembly.

52-40. - Water use regulations.

Upon adoption by the City Council of a resolution declaring a Stage Four Drought condition and for as long as that condition exists, the following water use regulations, and such other regulations as may be adopted by resolution, shall apply to all use of potable water that is provided by the City water supply system. The City of Chandler City Council shall have the authority to declare a Stage Four Drought when the ~~Municipal~~ PUBLIC WORKS AND Utilities Director determines that there is a significant possibility that the City's water supplies needed to meet the following year's demand may be reduced if drought conditions are not reversed, and it is unlikely that the City will be able to deliver sufficient water to meet all demands. The public will be notified of a Stage Four Drought condition and mandatory water use regulations as further described in Section 52-42.

A. Lawn, tree and shrub watering is restricted to once per week. The City Manager shall determine selected watering days for all users of City potable water.

B. All landscape watering using City potable water may only be done between the hours of 9:00 p.m.—5:00 a.m. when potable water is used as the irrigation source.

C. Use of outdoor water features using City potable water is prohibited.

D. Use of outdoor water misters is prohibited.

E. Auto/truck washing is allowed only at commercial facilities or with pail and hose with a shut off nozzle.

F. Overseeding winter grass on City parks and facilities is prohibited.

G. Other conservation measures as adopted by the City Council, needed to balance water demand with the available water supply.

52-41. - Variances.

Variances to the water use regulations set forth in this Article may be granted at the discretion of the City Manager or designee. Applicants for a variance must apply in writing to the ~~Municipal~~ PUBLIC WORKS AND Utilities Department, and demonstrate special circumstances such as health and safety needs.

52-47. - City review of sustainable water service applications.

A. The ~~Municipal~~ PUBLIC WORKS AND Utilities Director shall review and may approve sustainable water service application.

B. Tier II and Tier III water allocations determination.

1. The City will determine whether, based on the most recent water resource management strategy, the development is eligible for Tier II water and how much it is willing to apply to the development.

2. If the City determines that it will not make Tier II water available for any particular MLM user, the MLM user must purchase Tier III water, if available, in order to continue with the application for land use entitlements for its planned development.

C. Prior to installing any water meters for a MLM user, City and water user shall enter into a sustainable water service agreement. Concepts in the sustainable water agreement include:

1. Valid for 100-years from the date of issuance.

2. Determine the approved MLM user's water use allocation that will be permitted for the property subject to the sustainable water service agreement.

3. Transferrable to subsequent owners of the real property underlying the development with equivalent water use upon City approval.

4. Terms and conditions for the purchase of water resources necessary for delivery to the development.

5. Other terms and conditions deemed necessary for City to agree to the allocation of Tier II or Tier III water to the development.

Section 36. In Section 53-1 of Chapter 53, of the Chandler City Code, the definition of the term *Approved* is hereby amended to read as follows:

> *Approved:* Accepted by the DESIGNATED CITY ENGINEER ~~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 37. Section 53-2, 53-4, 53-8 and 53-17 of Chapter 53, of the Chandler City Code, is hereby amended to read as follows:

53-2. - Policy established.

53-2.1. There is hereby established a policy and orderly program to provide reclaimed water service for all areas South of Pecos Road and East of Old Price Road within the City limits except as set forth in sections 53-2.2 and 53-2.4 below. Except as set forth in section 53-2.2 below, reclaimed water service shall be provided to other areas within or outside the City limits pursuant to this chapter if the City reasonably determines that the City reclaimed water distribution system is in place to deliver reclaimed water to that area and that the City has reclaimed water available for delivery.

53-2.2 Delivery of reclaimed water service to single-family homes, duplexes, and triplexes is prohibited as of November 1, 2013, unless a preliminary plat for new development is previously approved by City Council pursuant to Chapter 48 of this Code. Homes receiving reclaimed water service prior to this effective date are exempt from this policy. Reclaimed water service shall not be restored in the event that preexisting reclaimed water service to a single-family home, duplex, or triplex is discontinued for more than ninety (90) days.

53-2.3. The City Council may agree to participate in the cost of construction to oversize transmission mains if construction funds are available. Unless otherwise approved by the City Council, the City shall pay for its portion of the costs based on current costs established for buy-in assessments.

53-2.4. The Director of the PUBLIC WORKS AND ~~Municipal~~ Utilities Department shall determine, on or before December 1 of each year, the amount of reclaimed water available for the next calendar year, identify the minimum quantity of reclaimed water needed to operate City recharge facilities, and allocate reclaimed water available after subtracting quantities needed to operate all recharge facilities among all developers requesting reclaimed water service for the next calendar year in accordance with the priority of delivery provisions set forth in section 53-3.

53-4. - Agreement required.

It shall be unlawful to receive or use reclaimed water in any area within the City limits other than by contract or agreement with the City or with a developer with whom the City has contracted to provide reclaimed water for resale. Any agreement consistent with a

form agreement approved by City Council may be executed on behalf of the City by the Director of the ~~Municipal~~ PUBLIC WORKS AND Utilities Department. All other agreements shall be approved by the City Council.

53-8. - Disconnection of reclaimed water service for violation of chapter.

In addition to the penalties set forth in section 53-18 of this chapter, the Director of the PUBLIC WORKS AND ~~Municipal~~ Utilities Department is hereby authorized and directed to disconnect reclaimed water service from any premises served in violation of this chapter or in violation of any contractual provision regarding reclaimed water service. Before any such discontinuance shall be made, the developer shall receive written notice of violation and be advised in writing of the opportunity to meet with designated personnel to present any objections.

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

The Director of the ~~Transportation and~~ Development SERVICES Department in consultation with the Director of the ~~Municipal~~ PUBLIC WORKS AND Utilities 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 DESIGNATED 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 Director of the ~~Transportation and~~ Development SERVICES Department.

Section 38. Section 27-1 through 27-8 of Chapter 27, of the Chandler City Code, is hereby amended to read as follows:

Chapter 27 – FIRE DEPARTMENT~~, HEALTH AND MEDICAL PROTECTION~~

27-1. - Creation; appointment of members; powers and duties of Fire Chief; definitions.

A. There shall be a Fire~~, Health and Medical~~ Department, headed by a Fire Chief who shall be responsible for the direction and incident management of all firefighting, fire-prevention, fire protection, hazardous materials, technical rescue, emergency medical, and public health activities within the City. The Fire Chief shall also be responsible for planning and developing programs to protect life, health, safety, and property in the City. The Fire Chief and the City Manager shall be responsible for establishing departmental policies and rules necessary for the operation of the Department. The Fire Chief shall assign personnel and maintain a training program. The City Manager shall, on the basis of merit and fitness, appoint the Fire Chief and all subordinate firefighters and members of the Department.

B. Definitions. For the purpose of this chapter and unless the context plainly requires otherwise:

Fire means response to incidents involving fire and other emergencies including hazardous material and technical rescue.

Firefighter means employee of the Fire~~, Health and Medical~~ Department regularly assigned to hazardous duties of the type normally expected for firefighting, emergency medical response, public health emergencies and special operations involving hazardous materials or technical rescues.

Health means preparedness and response for widespread health emergencies and protection and public education activities related to community health issues.

Medical means response to assess and treat patients through completion of treatment or transfer of care to a receiving facility.

27-2. - Fire, health and medical service outside City—When rendered.

No fire, emergency medical, or public health service shall be rendered outside the City by the Fire~~, Health and Medica~~l Department, except in the following cases:

A. To protect City property located outside the City.

B. To protect property within the City threatened by a fire outside the City.

C. To protect other public property within a reasonable distance of the City limits.

D. To go to the aid of a community threatened with disaster or loss of life as the result of a spreading and uncontrolled conflagration, emergency medical or public health event.

E. To go to the aid of a fire protection district or municipality having a mutual/automatic aid agreement in force with the City.

F. To provide fire, emergency medical, or public health services by contract for other than incorporated properties.

27-3. - Fire, ~~Health and Medical~~ Department services by contract for other than incorporated areas.

A. The Fire~~, Health and Medical~~ Department is hereby authorized, but not required, to provide service by contract to the following areas not in the boundaries of the City of Chandler:

1. Property surrounded by the City, but not within the City boundaries, i.e., County Islands; or

2. Other property as recommended by the Fire Chief.

B. The fire services described above shall be provided only on the following basis:

1. Annual subscription fire service rate. An elective fire protection real estate annual assessment rate per one thousand dollars ($1,000.00) assessed value of the property will be established by resolution of the City Council from time to time. The annual assessment will be determined by the estimated full cash value of the City and the Fire~~, Health and Medical~~ Department's annual operating budget.

2. Special contract service. The Fire~~, Health and Medical~~ Department is authorized to contract with individuals, corporations, businesses, and other groups for emergency services on an hourly basis, plus administrative charges at rates established by resolution of the City Council from time to time.

C. The City may respond with fewer units or personnel on the occurrence of any presently unforeseen circumstance, such as a major fire or several concurrent fires, other

emergency, reduction in force, or other situation in which there is a shortage of personnel or equipment.

If all fire units are unavailable, the Chandler Fire~~, Health and Medical~~ Department will make every reasonable effort to break away to respond on each fire/emergency medical/public health call from the individual.

D. The Fire Chief/designee is authorized to represent the City in the administration of individual contracts.

27-4. - Authority to respond in unincorporated areas when no contract has been signed; user fee for such response.

A. The Fire~~, Health and Medical~~ Department is hereby authorized, but not required, to provide service to unincorporated areas, as recommended by the Fire Chief, in the absence of a contract.

B. A user fee is hereby established to be paid by the property owner of the property to which the Fire~~, Health and Medical~~ Department responds. The user fee shall be the same as established for individual response contract service as set forth hereinabove.

27-5. - Same—Protection of property of governmental agencies.

Nothing in this chapter shall prevent the Fire~~, Health and Medical~~ Department from rendering service to buildings which are owned or operated by the County, the State, the United States, school districts or by other such governmental agencies.

27-6. - Same—Decision of Fire Chief to furnish service.

The Fire Chief shall, at the time of a request for service outside of the City, determine if the Fire~~, Health and Medical~~ Department can, with safety to the property within the City limits, render City fire protection. The decision to furnish such protection shall be at the discretion of the Fire Chief.

27-7. - Same—Mutual aid agreements.

The City Manager shall be authorized to negotiate mutual aid agreements between the City and any municipality or publicly constituted fire district within a reasonable distance of the City wishing to participate in reciprocal fire protection service under the following conditions:

A. The participating municipalities and fire districts shall maintain a Fire Department adequate for their ordinary fire protection purposes and shall call on the City for additional fire service only for ~~fires~~ incidents too large to be handled by their equipment and personnel or when their Fire Department is already engaged at a fire.

B. The agreement shall specifically provide that the City shall not be liable in damages for failure to respond to a call for assistance nor for negligence in its operation at the fire.

C. The agreement shall not be effective until properly approved by the governing body of the participating municipality or fire district.

D. No response will be made by the Fire~~, Health and Medical~~ Department to calls for assistance in the event that prior or coincident fire calls involving property within the City have been received which, in the judgment of the Fire Chief, may require the full force use of City equipment.

The absence of a mutual aid agreement shall not be cause for refusal of aid to a community where extreme emergency conditions are present and where fire protection equipment and personnel of the City can be spared for such service.

27-8. - Fees.

The City Council is authorized to adopt by resolution fees for the use of the City of Chandler Fire~~, Health and Medical~~ Training facilities and for training provided by the City of Chandler Fire~~, Health and Medical~~ Department.