

RETURN TO HAWKINS AND COMPANY
VIA 24 HOUR TURN AROUND

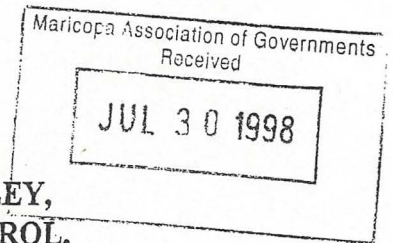


OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL

98-0091730 02/05/98 04:22

IREHE 2 OF 3

1 When recorded, return to:
2
3 Paradise Valley Town Attorney
4 6401 East Lincoln Drive
5 Paradise Valley, Arizona 85253
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10 **ORDINANCE NUMBER 454**

11
12 **AN ORDINANCE OF THE TOWN OF PARADISE VALLEY,**
13 **ARIZONA, RELATING TO GRADING AND DUST CONTROL,**
14 **AMENDING ARTICLE 5-13 OF THE TOWN CODE AND**
15 **SECTIONS 5-13-1 THROUGH 5-13-5, PROVIDING PENALTIES**
16 **FOR VIOLATIONS AND SEVERABILITY.**
17

18
19 **BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN**
20 **OF PARADISE VALLEY, ARIZONA:**
21

22
23 Section 1 Article 5-13 "Construction Sites and Parking Sites" of the Town Code is
24 hereby amended to read "Grading and Dust Control Regulations", with new and amended
25 Sections 5-13-1 through 5-13-4 as follows, with the language to be deleted shown with
26 strike-throughs and new text in caps:

27
28 **PURPOSE**
29

30 **THE TOWN COUNCIL HAS ADOPTED A GENERAL PLAN WHICH**
31 **ENCOURAGES PRESERVATION OF NATURAL FEATURES. THE TOWN**
32 **COUNCIL ALSO DESIRES TO REDUCE AIR POLLUTION BY LIMITING**
33 **FUGITIVE DUST, AND FURTHER SEEKS TO MINIMIZE THE POSSIBLE IMPACT**
34 **OF PROPERTY FLOODING DUE TO STORM WATER DRAINAGE.**

35
36 **THESE GOALS HAVE IN COMMON THAT THEY ARE ALL FURTHERED BY**
37 **MAINTAINING THE SURFACE OF THE EARTH IN AN UNDISTURBED**
38 **NATURAL STATE. DISTURBANCE OF THE EARTH'S SURFACE SHOULD**
39 **OCCUR ONLY WHEN NECESSARY, AND SHOULD BE DONE IN A MANNER**
40 **WHICH REFLECTS AN UNDERSTANDING OF THE UNIQUE LOCAL**
41 **ENVIRONMENT.**
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ARTICLE 5-13

GRADING AND DUST CONTROL REGULATIONS
~~CONSTRUCTION SITES AND PARKING SITES~~

Section 5-13-1 GRADING PERMITS REQUIRED FOR LAND
DISTURBANCE.

A. FOR THE PURPOSE OF THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE MEANINGS RESPECTIVELY ASCRIBED TO THEM IN THIS SECTION:

- (1) GRADING MEANS ANY EXCAVATING OR FILLING OR OTHERWISE CHANGING THE GRADIENT OF LAND.
- (2) EXCAVATING MEANS THE REMOVAL OF EARTHEN MATERIAL RESULTING IN A LOWERING OF THE GRADE AT THAT LOCATION.
- (3) FILLING MEANS DUMPING OR DEPOSITING EARTHEN MATERIAL RESULTING IN RAISING OF THE GRADE AT THAT LOCATION.
- (4) EARTHEN MATERIAL MEANS ANY ROCK, NATURAL SOIL OR ANY COMBINATION THEREOF.
- (5) LAND DISTURBANCE OR DISTURB THE LAND OR SIMILAR WORDS MEANS CLEARING, GRADING, GRUBBING, SCRAPING, EXCAVATING, FILLING, UNCOVERING, DESTABILIZING, MOVING OR OTHERWISE MODIFYING THE EARTH'S SURFACE.
- (6) VACANT LOT SHALL MEAN DEVELOPED LAND UPON WHICH NO PERSON OR PERSONS RESIDE OR USE FOR THE PURPOSE FOR WHICH THE LAND WAS DEVELOPED.

B. NO LAND DISTURBANCE MAY OCCUR ON ANY LOT OR PARCEL IN THE TOWN WITHOUT A GRADING PERMIT BEING FIRST OBTAINED FROM THE TOWN ENGINEER, EXCEPT AS OTHERWISE PROVIDED HEREIN; AND NO GRADING PERMIT MAY BE ISSUED WITHOUT THE FOLLOWING SUBMITTALS, EACH IN A FORM APPROVED BY THE TOWN ENGINEER:

1 1. A GRADING PLAN PREPARED BY A CIVIL ENGINEER.

2 A) WHERE EXCAVATION IS TO OCCUR THE TOP FOUR (4)
3 INCHES OF EXCAVATED NATIVE SOIL SHALL REMAIN ON THE SITE AND
4 SHALL BE REUSED IN A MANNER THAT TAKES ADVANTAGE OF THE
5 NATURAL SOIL SEED BANK IT CONTAINS.

6 B) THE GRADING PLAN SHALL CONTAIN THE PREPARING
7 ENGINEER'S CERTIFICATION OF THE 100 YEAR WATER SURFACE
8 ELEVATION AND FINISHED FLOOR ELEVATION.

9 C) THE BUILDING PAD SHALL NOT EXCEED TWO (2) FEET
10 IN HEIGHT EXCEPT WHERE REQUIRED TO PROTECT THE BUILDING
11 AGAINST FLOODING, IN WHICH CASE THE PAD SHALL BE ONE (1) FOOT
12 ABOVE THE WATER SURFACE ELEVATION OF THE 100 YEAR EVENT.

13 D) A STABILIZATION PLAN DESCRIBING HOW AREAS
14 POTENTIALLY PRONE TO EROSION WILL BE PROTECTED.

15 E) A DRAINAGE PLAN SHOWING WASHES IN AN
16 UNDISTURBED STATE EXCEPT FOR MODIFICATIONS APPROVED BY THE
17 TOWN ENGINEER THAT ARE REQUIRED TO ACCOMMODATE STORM
18 WATER. WASHES SHALL NOT BE REALIGNED EXCEPT AS APPROVED BY
19 THE TOWN ENGINEER AND PLANNING DIRECTOR WHEN NECESSARY TO
20 ACCOMMODATE STORM WATER OR TO RESTORE A DISTURBED WASH TO A
21 MORE NATURAL STATE.

22 2. DUST CONTROL PLAN MEETING THE REQUIREMENTS OF RULE
23 310 OF THE MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS,
24 AS AMENDED.

25 3. A NATIVE PLANT INVENTORY, NATIVE PLANT SALVAGE PLAN,
26 AND REVEGETATION PLAN USING PLANTS FROM THE TOWN'S APPROVED
27 PLANT PALETTE.

28 4. A FENCING PLAN SHOWING THE LOCATION AND MEANS OF
29 TEMPORARY FENCING THAT SEPARATES THE CONSTRUCTION AREA FROM
30 THE PORTIONS OF THE SITE WHICH WILL NOT BE DISTURBED.

1 5. SUCH OTHER INFORMATION AS MAY BE REQUIRED BY
2 THE TOWN ENGINEER.

3 C. THE FOLLOWING ACTIVITIES ARE EXEMPT FROM THE
4 REQUIREMENTS OF A GRADING PERMIT:

5 1. PERCOLATION OR TEST BORINGS OR SIMILAR SOIL TESTS (100
6 SQUARE FEET MAXIMUM IN SIZE) PRIOR TO ISSUANCE OF A BUILDING OR
7 GRADING PERMIT;

8 2. LANDSCAPING ALTERATIONS OR IMPROVEMENTS MADE BY A
9 PERSON IN RESIDENCE ON THE AFFECTED PREMISES, PROVIDED THAT
10 THERE WILL BE NO LAND DISTURBANCE WHICH AFFECTS ANY STORM
11 WATER DRAINAGEWAY OR STORM WATER STORAGE AREA.

12 Section 5-13-2 Dust Control.

13 Prior to the issuance of grading, building or demolition PERMITS OR
14 RECORDING OF A FINAL SUBDIVISION PLAT OR LOT SPLIT ~~plans~~, the owner or
15 contractor causing or performing any grading, landscaping, building or demolition must
16 furnish a written plan specifying the method or means of controlling dust. For the
17 purpose of this section, dust means all fugitive particulate matter AS DEFINED BY
18 APPLICABLE MARICOPA COUNTY FUGITIVE DUST REGULATIONS.

19 IF, AFTER GRADING, A PERSON CAUSES OR ALLOWS ANY VACANT LOT OR
20 PARCEL TO REMAIN UNUSED, VACANT, OR UNDEVELOPED FOR MORE
21 THAN FIFTEEN (15) DAYS THE PERSON SHALL FIRST IMPLEMENT
22 REASONABLY AVAILABLE CONTROL MEASURES TO EFFECTIVELY
23 PREVENT OR MINIMIZE FUGITIVE DUST.

24 Section 5-13-3 Parking Sites.

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

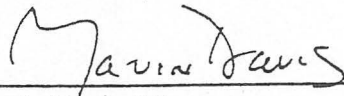
27 SECTION 5-13-4 ENFORCEMENT, REVEGETATION/STABILIZATION PLAN.

1 ANY PERSON WHO HAS DISTURBED LAND AND NOT COMPLIED WITH
2 THIS ARTICLE IS REQUIRED TO SUBMIT A STABILIZATION/REVEGETATION
3 PLAN FOR APPROVAL TO THE TOWN WITHIN FIFTEEN (15) DAYS OF
4 RECEIPT OR SERVICE OF A NOTICE OF VIOLATION OR CITATION UNDER
5 THIS SECTION. ALL PERMITS FOR THE DEVELOPMENT OF THE PROPERTY
6 ARE SUSPENDED UNTIL THE REVEGETATION HAS BEEN COMPLETED AND
7 APPROVED.


8 Section 2: Any person found guilty of violating any provision of this ordinance shall
9 be guilty of a class one misdemeanor punishable by a fine of not to exceed Two
10 Thousand Five Hundred Dollars (\$2,500) and/or by imprisonment not to exceed six (6)
11 months. Each day that a violation continues shall be a separate offense.

12 Section 3: If any section, subsection, sentence, clause, phrase or portion of this
13 ordinance or any part of this ordinance is for any reason held to be invalid or
14 unconstitutional by the decision of any court of competent jurisdiction, such decision
15 shall not affect the validity of the remaining portions thereof.

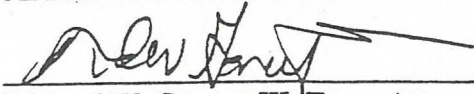
16 PASSED AND ADOPTED by the Mayor and Council of the Town of Paradise Valley,
17 Arizona, this 22nd day of January, 1998.

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19 
20 _____
Marvin Davis, Mayor

21 ATTEST:

22 
23 _____
24 Lenore P. Lancaster, Town Clerk

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27
28 APPROVED AS TO FORM:

29 
30 _____
31 Richard W. Garnett III, Town Attorney

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35 CERTIFICATION

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I, Lenore P. Lancaster, Town Clerk, certify that the foregoing is a true copy of Ordinance Number 454 duly passed and adopted by affirmative vote of the Town Council of Paradise Valley at a meeting held on the 22nd day of January, 1998. Passage of this Ordinance appears in the minutes of the meeting. The Ordinance has not been rescinded or modified and is now in effect. I further certify that the municipal corporation is duly organized and existing, and has the power to take the action called for by the Ordinance.



Lenore P. Lancaster, Town Clerk

