

CHAPTER 20 - PLANNING AND DEVELOPMENT

Sec. 20-262. Grading and drainage regulations; necessity for completion of grading before occupation of building.

(a) Necessity for completion of improvements before occupation of building.

(1) The Building Official shall deny final approval of any building permit or any clearance for occupation of any building, until all the required grading, retention and improvements including corrective work necessary to remove and eliminate any hazard, all as determined by the Engineering Director are completed and have been inspected and approved. The Engineering Director at his option may accept cash or a surety bond to guarantee the corrective work if occupancy is sought before the work is done if posted with the department in the form as provided by Subsection (b) or (c) herein.

(2) The Cash or surety bond may be retained or called upon by the Engineering Director at any time as funds to be utilized for performing any work required to complete the required grading and improvements, if the Engineering Director finds that the required grading and improvements are not being completed to its satisfaction. The type of bond or assurance will be in accordance with section 11-7-3 Peoria City Code (1977) for all types of development.

(b) Conditions. Every bond shall include the conditions that the permittee shall:

(1) Comply with all of the provisions of this chapter, applicable laws, and ordinances.

(2) Comply with all of the terms and conditions of the permit for excavation or fill to the satisfaction of the Engineering Director.

(3) Complete all of the work contemplated under the permit within the time limit specified in the permit or in Section 20-259 (c). The Engineering Director may, for sufficient cause, extend the time specified in the permit but no such extension shall release the surety of the bond.

(4) The bond (cash or surety) shall include a penalty provision on a form approved by the City Attorney for failure to complete the work on schedule, with a surety authorized to do business in the State of Arizona and having a Best rating of not less than A-.

(c) Failure to Complete Work. The term of each bond shall begin upon the date of filing and shall remain in effect until the completion of the work to the satisfaction of the Engineering Director. In the event of failure to complete the work and failure to comply with all of the conditions and terms of the permit, the Engineering Director may have the work required by the permit to be completed to his satisfaction. The surety executing such bond or deposit shall continue to be firmly bound to have all

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work completed and provide for the payment of all necessary costs and expenses that may be incurred or expended by the governing agency in causing any and all such required work to be done. In the case of a case deposit, said deposit or any unused portion thereof shall be refunded to the permittee.

(Ord. No. 98-95, enacted, 8/26/98)

(Ord. No. 02-41, 6/7/02, amended) SUPP 2002-2