SUPPLEMENT 2010-04 **JANUARY 31, 2011**

OFFICE OF THE CITY ATTORNEY
PEORIA CITY CODE (1992)
CITY OF PEORIA, ARIZONA
Code Supplement Instruction Sheet
THESE REPLACEMENT PAGES ARE PROVIDED TO YOU
FOR YOUR COPY OF THE PEORIA CITY CODE (1992)

Includes:
Ordinance 2010-29 Dated October 19, 2010
Ordinance 2010-30 Dated October 19, 2010
Ordinance 2010-32 Dated November 16, 2010
Ordinance 2010-33 Dated November 16, 2010
Ordinance 2010-35 Dated December 7, 2010

Remove Pages	***Chapter***	***Insert New Pages***
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2-1 – 2-136		2-1 – 2-136
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i – ii		i – ii
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Pages that are being replaced by this supplement should be carefully removed and discarded and the new pages provided should be placed immediately into your code book. It is recommended that this instruction sheet be saved and filed at the back of your copy of the code book. Care should be taken to ensure that your copy remains accurate. If you should have any questions regarding the proper procedures for removing/inserting these pages, please call our office to request assistance.

If you cannot locate the code volume that matches the serial number assigned to this update, please contact the City of Peoria, Office of the City Attorney, at (623) 773-7330 for assistance in locating the volume.

SUPPLEMENT 2010-04 **JANUARY 31, 2011**

OFFICE OF THE CITY ATTORNEY

PEORIA CITY CODE (1992)
CITY OF PEORIA, ARIZONA

Code Supplement Reference Sheet

THIS REFERENCE PAGE IS PROVIDED TO YOU
FOR YOUR COPY OF THE PEORIA CITY CODE (1992)

The Reference Page is a check list of all issued supplements and is designed to assist you in ensuring that your copy of the code is current.

The Peoria City Code (1992) was issued on December 31, 1992. At the time of issuance the code was current through December 31, 1991. Four supplements a year are issued for the City Code on a quarterly basis: Jan. - Mar., April - June, July - Sept., Oct. - Dec. Each supplement is given a three digit number. The first digit reflects the year of the supplement. The second two digits reflect the quarter of the year that the supplement updates.

For example, the supplement for Jan - Mar. 1992 is numbered 201, the supplement for April -June is numbered 202 and etc. up and through supplement 804. Beginning in 1999 all supplements are numbered 1999-1, 1999-2, 1999- 3, 1999-4 with the year and quarter being indicated.

The following list is a date of issuance of the supplements to the code that have been issued to date. If you are missing a supplement, please check our website at www.peoriaaz.gov/citycode and select City Code Supplement on the left-hand side of the screen and then choose the appropriate supplement.

Supplement Number	Date of Issuance	Period Covered
201	August 5, 1994	Jan. - March, 1992
202	September 30, 1994	April - June, 1992
203	October 31, 1994	July - Sept., 1992
204	January 31, 1995	Oct. - Dec., 1992
301	March 31, 1995	Jan. - March, 1993
302	May 31, 1995	April - June, 1993
303	May 31, 1995	July - Sept., 1993
304	July 31, 1995	Oct. - Dec., 1993

401	September 30, 1995	Jan. - March, 1994
402	November 30, 1995	April - June, 1994
403	January 31, 1996	July - Sept., 1994
404	March 31, 1996	Oct. - Dec., 1994
501	May 31, 1996	Jan. - March, 1995
502	July 31, 1996	April - June, 1995
503	September 30, 1996	July - Sept., 1995
504	November 30, 1996	Oct. - Dec., 1995
601	January 31, 1997	Jan. - March, 1996
602	March 31, 1997	April - June, 1996
603	May 31, 1997	July - Sept., 1996
604	July 31, 1997	Oct. - Dec., 1996
701	September 30, 1997	Jan. – March, 1997
702	November 30, 1997	April - June, 1997
703	January 31, 1998	July - Sept., 1997
704	March 31, 1998	Oct. - Dec., 1997
801	April 30, 1998	Jan. – March, 1998
802	July 31, 1998	April – June, 1998
803	October 31, 1998	July - Sept., 1998
804	January 31, 1999	Sept. - Dec., 1998
1999-1	April 30, 1999	Jan – March, 1999
1999-2	July 31, 1999	April – June, 1999
1999-3	September 30, 1999	July – Sept. 1999
1999-4	January 31, 2000	Oct. – Dec. 1999
2000-1	April 30, 2000	Jan. – March 2000
2000-2	July 31, 2000	April – June 2000
2000-3	October 31, 2000	July – Sept. 2000
2000-4	January 31, 2001	Oct.– Dec. 2000

2001-1	April 30, 2001	Jan – March 2001
2001-2	July 31, 2001	April – June 2001
2001-3	October 31, 2001	July – Sept. 2001
2001-4	January 31, 2002	Oct. – Dec. 2001
2002-1	April 30, 2002	Jan – March 2002
2002-2	July 31, 2002	Apr – June 2002
2002-3	October 31, 2002	July – Sept. 2002
2002-4	January 31, 2003	Oct. – Dec. 2002
2003-1	April 30, 2003	Jan – March 2003
2003-2	July 31, 2003	Apr – June 2003
2003-3	October 31, 2003	July – Sept 2003
2003-4	January 31, 2004	Oct – Dec. 2003
2004-1	April 30, 2004	Jan – March 2004
2004-2	July 31, 2004	Apr – June 2004
2004-3	October 31, 2004	July – Sept 2004
2004-4	January 31, 2005	Oct – Dec 2004
2005-1	April 30, 2005	Jan – March 2005
2005-2	July 31, 2005	April - June 2005
2005-3	October 31, 2005	July-Sept 2005
2005-4	January 31, 2006	Oct –Dec 2005
2006-1	April 30, 2006	Jan-March 2006
2006-2	July 31, 2006	April – June 2006
2006-3	October 31, 2006	July – Sept 2006
2006-4	January 31, 2007	Oct – Dec 2006
2007-1	April 30, 2007	Jan-March 2007
2007-2	July 31, 2007	April – June 2007
2007-3	October 31, 2007	July-Sept 2007
2007-4	January 31, 2008	Oct – Dec 2007
2008-1	April 30, 2008	Jan-March 2008

2008-2	July 31, 2008	April – June 2008
2008-3	October 31, 2008	July – Sept 2008
2008-4	January 31, 2009	Oct. – Dec. 2008
2009-1	April 30, 2009	Jan. – March 2009
2009-2	July 31, 2009	April – June 2009
2009-3	October 31, 2009	July – Sept. 2009
2009-4	January 31, 2009	Oct. – Dec 2009
2010-01	April 30, 2010	Jan. – March 2010
2010-02	July 31, 2010	April – June 2010
2010-03	October 31, 2010	July – Sept. 2010
2010-04	January 31, 2011	Oct. – Dec. 2010

TABLE 2-199
Section 2-199 (a)
FEES; CITY ATTORNEY SERVICES; MISCELLANEOUS DOCUMENTS

ITEM	DATE EFFECTIVE January 1, 2009
City Charter	10.00
City Code	250.00
City Code, Binders and Tab Dividers—*Actual Cost plus 15%	*
City Code-Annual Supplementation	150.00
Notary Public Services (per document)	2.00
Code Enforcement Diversion Program—Maximum Fee	250.00
Juvenile Diversion Program-Juvenile Participant--Maximum Fee	150.00
Juvenile Diversion Program-Adult Participant--Maximum Fee	200.00
All other Diversion Programs--Maximum Fee	250.00
Photo Copies – per page up to a maximum of fifty pages, does not include any pages provided at no cost.* In the event the number of copies is such, that it would cost more to bill, the department may elect not to bill.	.25
Photo Copies-per page [per page, fifty one or more pages]	.15
Mailing processing fee for providing requested information by mail	1.00
Development Agreements application fee to be credited against city reimbursements or to be paid up front prior to submission of the Development Agreement to the City Council	1,000.00
Diminution in Value of Real Property Claim and Application for Review	150.00

(Ord. No. 95-33, 6/6/95, Enacted)
(Ord. No. 99-108, 12/14/99, Amended) SUPP 1999-4
(Ord. No. 02-63, 7/9/02, Amended) SUPP 2002-2
(Ord. No. 07-30, 09/04/07, Amended) SUPP 2007-4

CHAPTER 2 – ADMINISTRATION

(Ord. No. 08-36, 12/16/08, Amended) SUPP 2008-4

TABLE 2-202

Section 2-202 (a)
CITY CLERK; FEES; PUBLIC RECORDS; MISCELLANEOUS DOCUMENTS

Item	Date Effective January 1, 2009
Audits/Budgets [per page][The City Clerk may establish fees to cover the costs of providing the entire annual budget and capital improvement plan of the city]	Charged as photo copies
Notary Public Services (per document)	2.00
Certification of Documents for non Veteran Purposes [per document]	10.00
Photo copies [per page up to a maximum of Fifty pages, does not include any pages provided at no cost.] * In the event the number of copies is such, that it would cost more to bill, the department may elect not to bill	.25
Photo copies [per page, Fifty One or more pages]	.15
Research City Records (per hour) Minimum charge hour	42.00
Subscription – Summary Council Packet, minimum subscription period one full quarter, failure to pick packet within 15 days following meeting will be discarded	60.00 [annual] 15.00 [quarterly]
Single Individual Summary Council Packet, one week notice required for regular city council meetings	13.00
Photograph for Passports	15.00
Audio Recording—Public Meetings	11.00
Copy of Audio Recording—Public Records Request	11.00
Copy of Video Recording—Public Records Request	20.00
Transcription (per hour)	25.00
Copy of Public Record available from existing compiled city information—Non commercial purposes on Electronic Format—Public Records Request [minimum fee]+ time of research to produce on electronic format.	15.00
Facsimile delivery of Public Record requested [per page] Agenda's or minute subscriptions not included.	1.00
Mail Processing Fee for providing Public Records by Mail	5.00

CHAPTER 2 – ADMINISTRATION

Item	Date Effective January 1, 2009
Minutes Subscription -- Annual (regular and special council meetings)	131.00
Recording of Official Documents with Maricopa or Yavapai County Recorders *[cost to record charged by county, together with regular or express delivery costs and a 15% delivery cost fee to City Clerk for document handling	*
Subpoenaed Record – copy cost [per page]	.10
Appeal-Notice of Violation-weeds and debris	20.00
Appeal-Order of Assessment-weeds and debris	20.00

(Ord. No. 91-12, 5/14/91, Enacted)
(Ord. No. 92-17, 4/28/92, Amended)
(Ord. No. 93-01, 1/5/93, Amended)
(Ord. No. 95-33, 6/6/95, Amended)
(Ord. No. 99-108, 12/14/99, Amended) SUPP 1999-4
(Ord. No. 00-129, 11/6/2000, Amended) SUPP 2000-4
(Ord. No. 02-63, 7/9/2002, Amended) SUPP 2002-2
(Ord. No. 03-21, 5/23/2003, Amended) SUPP 2003-2
(Ord. No. 08-36, 12/16/08, Amended) SUPP 2008-4

TABLE 2-203
Section 2-203 (a)
CITY CLERK; FEES, BINGO, LIQUOR LICENSES

Item	Date Effective August 1, 2002
Bingo – Class A – Local Body Governing Fee	5.00
Bingo – Class A –- License Fee	10.00
Bingo – Class B – Local Body Governing Fee	25.00
Bingo – Class B – License Fee	50.00
Bingo – Class C – Local Body Governing Fee	50.00
Bingo – Class C – License Fee	200.00
Cable Television Franchise – Initial Filing Fee and Renewal Filing Fee	12,000.00
Cable Television Franchise- Transfer of License	1,000.00
Non State Statute Telecommunications provider License Permit Fee, including fiber optics licenses	250.00
State Statute Telecommunications provider License Permit Fee	250.00
Race Track, Wagering or Gambling License	200.00
Liquor License - Non-profit Special Event	32.00
Liquor License—City participation—Non-Profit Special Event[city participation may be temporary use of city liquor license or city funding contribution to the special event]	10.00
Liquor License – Temporary Extension of Premises	75.00
Liquor License – Permanent Extension of Premises	75.00
Liquor License - New Application	240.00
Liquor License – Transfer	240.00
Liquor License - For-profit Special Event	75.00
Liquor License Annual Fee – Distiller	700.00
Liquor License Annual Fee – Brewer	700.00
Liquor License Annual Fee – Wine	700.00
Liquor License Annual Fee - All liquor wholesale	500.00

Item	Date Effective August 1, 2002
Liquor License Annual Fee - wine/beer wholesale	500.00
Liquor License Annual Fee - On sale – all liquor	600.00
Liquor License Annual Fee - On sale – wine & beer	400.00
Liquor License Annual Fee - On sale – beer only	200.00
Liquor License Annual Fee - Off sale – all liquor	400.00
Liquor License Annual Fee - Off sale - wine & beer	200.00
Liquor License Annual Fee - On sale Hotel/Motel	400.00
Liquor License Annual Fee - On sale Restaurant	400.00
Liquor License Annual Fee - On sale Private Club	200.00

(Ord. No. 91-12, 5/14/91, Enacted)
(Ord. No. 92-17, 4/28/92, Amended)
(Ord. No. 92-34, 8/31/92, Amended)
(Ord. No. 95-33, 6/6/95, Amended)
(Ord. No. 99-108, 12/14/99, Amended) SUPP 1999-4
(Ord. No. 00-129, 11/6/2000, Amended) SUPP 2000-4
(Ord. No. 02-63, 7/9/2002, Amended) SUPP 2002-2

TABLE 2-205
Section 2-205 (a)
CITY COURT FEES; BACKGROUND SEARCHES; CIVIL SANCTIONS

Item	Fee
Civil Sanctions--City Complex/Adjacent to Complex Street Parking Violations [Default and Minimum Sanction]	25.00
Civil Sanction for violations of parking code, other than section 14-107	75.00
Violation of Section 14-107	150.00
Failure to pay Civil Sanction imposed under Chapter 14 of Peoria City Code (1977) or Chapter 17 within Thirty days, but not more than Sixty days after payment date set by court.	75.00
Failure to pay Civil Sanction imposed under Chapter 14 of Peoria City Code (1977) or Chapter 17 within Sixty days after payment date set by court.	Not to exceed 500.00
Phlebotomist charge for bodily fluid withdrawals for violations of A.R.S. §§28-693; 28-1381; 28-1382; 28-1383; 28-1386. *If the amount billed to the City for such withdrawals increase, the actual cost, plus an administrative fee of Twenty (20%) percent of actual cost may be charged	45.00*
Laboratory Analysis charge for analysis of bodily fluid withdrawals for violations of A.R.S. §§28-693; 28-1381; 28-1382; 28-1383; 28-1386.** Amount billed to the City for such analysis, plus an administrative fee of Twenty (20%) percent of actual cost may be charged.	**
Service of Process Fee	Not to exceed 100..00
Juror Fee per day of Jury Service, effective March17, 2000 – December 31, 2000	40.00
Juror Fee per day of Jury Service, effective January 1, 2001	50.00
Background Searches	15.00

(Ord. No. 91-12, 5/14/91, Enacted)
(Ord. No. 91-34, 10/21/91, Amended)

CHAPTER 2 – ADMINISTRATION

(Ord. No. 92-17, 4/28/92, Amended)
(Ord. No. 98-08, 2/3/98, Amended)
(Ord. No. 98-93, 8/26/98, Amended)
(Ord. No. 00-05, 1/18/00, Amended) SUPP 2000-1
(Ord. No. 00-10, 3/7/00, Amended) SUPP 2000-1
(Ord. No. 02-63, 7/9/2003, Amended) SUPP 2002-2
(Ord. No. 04-190, 8/24/04, Amended) SUPP 2004-3

TABLE 2-207
Section 2-207 (a)

COMMUNITY SERVICES DEPARTMENT FEES

ITEM	CURRENT RATE FOR RESIDENTS	PERMISSIBLE FEE RANGE FOR RESIDENTS	CURRENT RATE FOR NON-RESIDENTS	PERMISSIBLE FEE RANGE FOR NON-RESIDENTS
Swim Fees				
Open Swim (Children under 16)	$0.50	$ .50 - $3.00	$0.50	$ .50 - $3.00
Open Swim (Adults over 17)	$1.50		$1.50	
Swim Lessons	$18	$12 - $20	$50	$50 - $80
Aqua Aerobics Walk- ins	$4.50		$4.50	
Aqua Aerobics	$35		$55	$50 - $160
Conditioning School	$30		$50	
Guard Start	$75		$95	
Lifeguard Training	$120		$150	
Water Safety Instructor Training	$120		$150	
Swim Team - Individual	$80	$35 - $90	$140	$100 - $150
Swim Pass - Individual	$20	$20 - $110	$20	$20 - $110
Swim Pass - Family	$60		$60	
Misc. fees* (resale items, etc)	$2 - $25	See below	$2 - $25	See below

Senior/Adaptive Recreation				
Senior Dance	$3	$2 - $4	$3	**$2 - $4**
Adaptive Recreation Dance*	$3/Drop In		$3/Drop In	
Senior Ceramic Classes	Between Seniors and Instructor	Between Seniors and Instructor	Between Seniors and Instructor	Between Seniors and Instructor
Adaptive Recreation Bowling*	$5/time or $35/session	$4-$5/time or $28-$35/session	$5/time or $35/session	$4-$5/time or $28-$35/session
Adult Day Program Private Pay Option per day	$5	$5-$10	$5	$5-$10
Senior Classes*	Direct Cost + 20%	Direct Costs + Indirect Costs	Direct Cost + 20%	Direct Costs + Indirect Costs
Adaptive Recreation Classes*	Direct Costs	Direct Costs	Direct Costs	Direct Costs
Senior Trips*	Direct Costs + 20%	Direct Costs + Indirect Costs	Direct Costs + 20%	Direct Costs + Indirect Costs
Adaptive Recreation Trips*	Direct Costs	Direct Costs	Direct Costs	Direct Costs
Misc. fees* (resale items, late reg. etc.)	$ .50 - $25	See below	$ .50 - $25	See below

Youth Recreation Programs				
Summer Recreation Program	$40	$25 - $60	$100	$80 - $120
Registration Fees (Depends on program)*	$20 - $30	$20 - $30	$20 - $30	$20 - $30
Summer Camp Daily Fee*	$23	$23 - $40	$23	$23 - $40
Summer Camp Weekly Fee*	$97	$97 - $130	$97	$97 - $130
Lil Learners Too Daily (3 hrs.) Fee*	$9	$7 - $10	$9	$7 - $10
Lil Learners Too Weekly (3 hrs/5 days) Fee*	$45	$45 - $50	$45	$45 - $50

Lil' Learners Full Time Weekly (12 hrs/5 days) Fee*	$115	$115 - $150	$115	$115 - $150
Lil' Learners Part Time Weekly (6 hrs/5 days) Fee*	$80	$80 - $110	$80	$80 - $110
AM/PM Recreation Program (Full Time - 5 days/wk)*	$25 - $56	$25 - $80	$25 - $56	$25 - $80
AM/PM Recreation Program (Part Time - 1day/wk)*	$5 - $14	$3 - $35	$5 - $14	$3 - $35
Misc. Fees* (resale items, late reg., etc.)	$10 - $15	See below	$10 - $15	See below
Trips for youth programs*	Direct Costs + 20%	Direct Costs + Indirect Costs	Direct Costs + 20%	Direct Costs + Indirect Costs

Special Interest Classes/Brochure				
Special Interest Classes - Adults	Direct Costs + $28/per	Direct Costs + Indirect Costs	Direct Costs + $32/per	Direct Costs + Indirect Costs + $5
Special Interest Classes - Youth	Direct Costs + $21/per		Direct Costs + $28/per	
Misc. Fees* (late reg., etc.)	$5 - $20	See below	$5 - $20	See below
Advertising in Quarterly Brochure	Back Cover – 1X - $1,000	$160 - $1,000	Back Cover – 1X - $1,000	$160 - $1,000
	Back Cover - 4X/yr - $875		Back Cover - 4X/yr - $875	
	Full Page - 1X - $800		Full Page - 1X - $800	
	Full Page - 4X/yr - $712.50		Full Page - 4X/yr - $712.50	
	1/2 Page - 1X - $420		1/2 Page - 1X - $420	
	1/2 Page - 4X/yr - $375		1/2 Page - 4X/yr - $375	
	1/4 Page - 1X - $320		1/4 Page - 1X - $320	
	1/4 Page - 4X/yr - $300		1/4 Page - 4X/yr - $300	

Sports				
Adult Flag Football*	$450	$180-$500	$450	$180-$500
Adult Softball*	$450		$450	
Adult Basketball*	$450		$450	
Coed Volleyball* - Indoor and Outdoor	$90 - 165		$90 - 165	
High School Basketball*	$220		$220	
Adult Soccer*	$1,000	$800-$1,200	$1,000	$800-$1,200
Adult Baseball*	$1,250	$1,100 - $1,500	$1,250	$1,100 - $1,500
Youth T-Ball*	$50	$35 - $50	$60	$35 - $85
Youth Sports Camps*	$50		$60	
Youth Basketball*	$50		$100	
Youth Soccer*				
Youth Football*				
Youth Volleyball*				
Youth Lacrosse*				
Youth Coach Pitch Baseball*				
Youth Kickball*				

Youth Softball*				
Youth Roller Hockey*				
Summer Weight Program	$35		$35	
High School Baseball*	$800	$800 - $900	$800	$800 - $900
Misc. Fees* (late fee, resale items, etc.)	$1 - $30	see below	$1 - $30	see below
Special Events				
Athletic Races*	$15	$15 - $25	$15	$15 - $25
Sports Tournaments* (Depends on Youth or Adult)	$30 - $200	$30 - $200	$30 - $200	$30 - $200
Golf Tournament*	$50	$50 - $100	$50	$50 - $100
Baseball Tournament* (Depends on # of games)	$600 - $800	$600 - $800	$600 - $800	$600 - $800
Misc. Fees* (resale items, late fee, etc.)	$1 - $30	see below	$1 - $30	see below

Rentals				
Ramada Rental - Single (up to 25 people)	$20/4 hours	$15 - $20/4 hours	$55/4 hours	$30 - $70/4 hours
Ramada Rental - Double (up to 50 people)	$30/4 hours	$25 - $35/4 hours	$75/4 hours	$50 - $100/4 hours
Ramada Rental - Group (up to 100 people)	$60/4 hours	$50 - $70/4 hours	$150/4 hours	$100 - $170/4 hours
Ramada Rental - Pavilion (up to 300 people)	$180/4 hours	$150 - $200/4 hours	$450/4 hours	$300 - $400/4 hours
Softball Field Rental (per hour/per field)(2 hr/min)	$10	$10 - $15	$15	$10 - $15
Softball Field Lights (per hour/per field) (2 hr. min)	$10	$0 - $15	$15	$10 - $15
Field Prep (per field)	$10	$0 - $15	$15	$10 - $15
Pool Rental - 75 or less people	$100/hour	$100 - $300	$100/hour	$100 - $300
Each Additional 25 people	$25/hour		$25/hour	
Pool Slide	$25/hour		$25/hour	
Women's Club (per hour)	$0 - $60	$0 - $110	$0 - $60	$0 - $110
Community Center (per hour)	$0 - $90	$0 - $130	$0 - $90	$0 - $130
Library (per hour)	$20 - $35	$15 - $40	$20 - $35	$15 - $40
Beer Permits (per occurrence)	$10	$10 - $20	$10	$10 - $20
Sunrise Family Center - One room/hour (2 hr. min.)	$40	$40 - $60	$40	$40 - $60
Kitchenette/hour (with room rental)	$10	$10 - $30	$10	$10 - $30

Rio Vista Park				
4 Diamond/Field Complex Reservation Fee		$ 0 - $1,400		$ 0 - $1,400
8am - noon (4 hours)	$0 - $310		$0 - $310	
8am - 4pm (8 hours)	$0 - $650		$0 - $650	
8am - 6pm (10 hours)	$0 - $770		$0 - $770	
8am - 8pm (12 hrs./2 hrs. lights)	$0 - $990		$0 - $990	
8am - 10pm(14 hrs/4 hrs. lights)	$0 - $1,210		$0 - $1,210	
6pm - 10pm (4 hrs./4 hrs. lights)	$0 - $610		$0 - $610	
Cleanup Deposit	$0 - $200	$0 - $200	$0 - $200	$0 - $200
Reservation Deposit				
Individual Fields Reservation Fee				

Reservation Fee/Field (2 hr min.)	$0 - $40	$0 - $60	$0 - $40	$0 - $60
Lights per Field (2 hr. min.)	$0 - $20	$0 - $40	$0 - $20	$0 - $40
Supervision/Personnel per hour	$0 - $15		$0 - $15	
Volleyball Courts Reservation Fees				
Fee per court per hour	$0 - $10	$0 - $10	$0 - $10	$0 - $10
Supervision/personnel/hour (3 cts)	$0 - $15	$0 - $30	$0 - $15	$0 - $30
Cleanup Deposit (3 courts)	$0 - $200	$0 - $200	$0 - $200	$0 - $200
Reservation Deposit (3 courts)				

Rio Vista Recreation Center				
Daily Pass Holder Fee	$3 - $5	$3 - $10	$4 - $6	$4 - $15
Monthly Pass Holder Fee	$15 - $50	$15 - $100	$20 - $60	$20 - $120
Annual Pass Holder Fee	$135 - $450	$135 - $900	$180 - $540	$180 - $1000
Corporate Pass Holder Fee	$1,500	$1,500 - $2,500	$1,500	$1,500 - $2,500
Kid's Corner (2 Hours)	$3	$2 - $6	$3	$2 - $6
Classroom Rentals/per hour	$40 - $80	$40 - $160	$50 - $100	$50 - $190
Recreation Center/per hr. depending on usage	$250	$250 - $500	$300	$300 - $600
Multipurpose Room Rentals/per hour	$80 - $200	$80 - $500	$100 - $250	$100 - $600
Room Deposits	$50 - $350	$50 - $600	$50 - $350	$50 - $600
Personal Trainer Packages	$25 - $210	$25 - $500	$25 - $210	$25 - $500
Misc. Fees * (Resale, equipment rental, hr. security	$1 - $200	See below	$1 - $200	See below

Library				
Fines (per day/per item)	$0.20	$ .05 - $2.50	$0.20	$ .05 - $2.50
Fines (Replacement of each lost library card)	$2		$2	
Fines (Unretrieved holds)	$1		$1	
Fines - Video (per day after 7 days)	$1		$1	
Fines (Process lost/damaged items)	$5	$5 - $7	$5	$5 - $7
Fines (Interlibrary Loans)	$0.50	$ .50 - $1	$0.50	$ .50 - $1
Copy/Print (per page)	$0.20	$ .10 - $ .20	$0.20	$ .10 - $ .20

Sports Complex				
Additional Field Preps - per field	$25		$25	
Folding chairs - per day	$1	$0 - $1	$1	$0 - $1
Eight foot tables - per day	$5	$0 - $5	$5	$0 - $5
Facility Maintenance - per hour per person	$30	Contingent upon current City pay schedule	$30	Contingent upon current City pay schedule
Porters - per hour per porter	$13	$0 - $15	$13	$0 - $15
Stadium Media Dining Room - 3 hr. minimum	$20	$0 - $150 each 3 hour block	$20	$0 - $150 each 3 hour block
Souvenir Store - 3 hr. minimum	$30	$0 - $150 each 3 hour block	$30	$0 - $150 each 3 hour block
Club House w/ 2 fields (Jan through March)	No fee established	$0 - $1,200 per day	No fee established	$0 - $1,200 per day

Club House w/ 4 fields (Jan through March)	No fee established	$0 - $1,500 per day	No fee established	$0 - $1,500 per day
Club House w/ 2 fields (April through September)	No fee established	$0 - $1,000 per day	No fee established	$0 - $1,000 per day
Club House w/ 4 fields (April through September)	No fee established	$0 - $1,300 per day	No fee established	$0 - $1,300 per day

*Each of these activities requires the purchase of supplies necessary for the activity. The fee includes the actual cost of the program to the City.

** In accordance with the schedule adopted by the Community Services Department and on file with City Clerk.
(Ord. No. 91-12, 5/14/91, Enacted)
(Ord. No. 92-17, 4/28/92, Revised)
(Ord. No. 92-17, 4/28/92, Amended)
(Ord. No. 94-21, 5/3/94, Amended)
(Ord. No. 98-92, 7/21/98, Amended)
(Ord. No. 00-125, 9/19/00, Amended)
(Ord. 03-154, 6/17/03, Amended) SUPP 2003-2
(Ord. 03-185, 12/16/03, Amended) SUPP 2003-4
(Ord. 04-20, 4/20/04, Amended) SUPP 2004-2
(Ord. 04-192, 9/14/04, Amended) SUPP 2004-3
(Ord. 05-08, 2/1/05, Amended) SUPP 2005-1
(Ord. 05-42, 8/25/05, Amended) SUPP 2005-3
(Ord. 07-09, 3/20/07, Amended) SUPP 2007-1
(Ord. 07-15, 6/5/07, Amended) SUPP 2007-2
(Ord. 07-24, 8/21/07, Amended) SUPP 2007-3
(Ord. 08-19, 7/01/08, Amended) SUPP 2008-3
(Ord. 09-17, 6/16/09, Amended) SUPP 2009-2
(Ord. 2010-12, 6/15/2010, Amended) SUPP 2010-2

TABLE 2-209

Section 2-209 (a)
COMMUNITY DEVELOPMENT DEPARTMENT, BUILDING SAFETY;
FEES REQUIRED

Item	Date Effective December 1, 2007
Mobile Home Setup or Sales or Construction Mobile Home Setup	120.00
Swimming Pool, spa and hot tub permit	100.00
Demolition Permit	50.00
Final Certificate of Occupancy	100.00
Refund of permit fee no later than 180 days from issuance (no inspection made, plan review not refundable)	200.00
Renew Expired “Applied,” “Approved,” and “Issued” status permits	100.00
Temporary Certificate of Occupancy	1,000.00
Photocopies [per page up to a maximum of 50 pages] *The department may waive charging fees if the cost to recover fees exceeds the fees.	.20
Photocopies [per page 51st page and over]	.15
“C of O only” building permit fee	50.00
Foundation Only permit surcharge *[75% of the calculated permit fee based upon the valuation of the total project]	*
Review Swimming Pool Site Plan	75.00
Subpoenaed Record - copy cost [per page]	.10
Investigation of Work Without a Permit	400.00 or permit fee whichever is greater
Reinspection Fee	75.00
Investigation of Work Covered without Required Inspections	100.00 plus letter recorded against property
Research and Processing Fee – Actual cost per person per hour	*

Item	Date Effective December 1, 2007
Applications to the Board of Appeals	200.00
Minimum Permit Fee for all zero valuation items	50.00
Percentage of valuation schedule for room and patio cover addition to existing single family residence	50%
Inspections outside of normal business hours, 2 hour minimum charge	$75.00/hour
Additional plan review required by changes, additions or revisions to plans, 2 hour minimum charge	$75.00/hour
For use of outside consultants or expedited plan checking and inspections, or both	150% of calculated fees ($1,000.00 minimum)
Sign Permit-0 to 32 Square Feet	70.00
Sign Permit-33 to 48 Square Feet	80.00
Sign Permit-More than 48 square feet	120.00
Review Standard Home Site Plan	$50.00
Standard Plan Initial Setup	$50.00
Annual Renewal of Standard Plans	$25.00

BUILDING VALUATION AND PERMIT FEES	IBC							
VALUATION TABLE **(per sq. ft.)**	Type							
	I-A or I-B	II-A	II-B	III-A	III-B	V-A	V-B	Other
Dwellings							$37	
Residential Alum. Awning (Additions)							$5	
Private Garages (Additions)							$15	
Open Carports (Additions)							$10	
Patio Cover, Deck, Balcony (Additions)							$10	
Boat Dock Gazebo shade Structure (Additions)							$10	
Enclosed Patio (Additions)							$15	
Shed Storage Building (Additions)							$15	
Apartment Houses	$60	$60	$60	$60	$48	$48	$42	
Auction Room, dance center, exhibit room,								

courtrooms, public building, mail, stadium	$83	$66	$64	$69	$67	$63	$60	
Auditoriums	$70	$50	$48	$53	$50	$50	$50	
Banks	$100	$72	$70	$80	$77	$72	$70	
Bowling Alleys	$34	$34	$32	$37	$34	$25	-	
Canopies							$10	
Churches	$67	$50	$47	$56	$51	$50	$48	
Convalescent Hospitals	$93	$63	$66	-	-	$62	-	
Fences (**Value per linear foot**) less than 3' high add to exist							$1	
3' to 7' high							$3	
Over 7' high							$5	
Fire Stations	$76	$50	$47	$55	$52	$52	$50	
Homes for the Elderly	$70	$56	$53	$58	$56	$56	$54	
Hospitals	$109	-	-	$90	-	$85	-	
Hotels & Motels	$67	$58	$55	$58	$55	$52	$50	
Industrial Plants	$38	$26	$24	$29	$27	$27	$25	
Jails	$107	$96	-	$96	-	$72	-	
Libraries	$78	$56	$33	$60	$57	$56	$53	
Medical Offices	$80	$61	$58	$64	$62	$60	$60	
Offices	$72	$47	$45	$51	$50	$47	$45	
Pools (**value per sq. ft.**)								$20
Public Garages	$32	$30	$19	$25	$22	$22	-	
Restaurants	$65	$65	$65	$65	$62	$60	$60	$60
Retaining wall (**value per linear ft**)								$20
Schools	$75	$50	$50	$50	$50	$50	$50	
Service Stations	-	-	$45	$46	-	$40	-	
Stores – shopping centers	$55	$40	$35	$40	$38	$35	$35	
Warehouses, Mini storage, Maint. Bldg	$33	$20	$20	$22	$21	$20	$20	
Automatic Fire Sprinkler System								$3
Fire Alarm System								$1

Conversions: Valuations shall be determined by the difference in valuation between the original and the intended use.

Commercial Tenant Improvements/additions: Major: 40% of the original Tenant Building Area Valuation
Minor: 20% of the original Tenant Building Area Valuation

The valuation for separate permit pertaining to same structure the following valuation shall be used:
a. Building Shell only 80% of Valuation above

BUILDING VALUATION AND PERMIT FEES (Continued)

FEES BASED ON VALUATION	
TOTAL VALUATION	**FEE:**
$1.00 to $500.00	=$23.50
$501.00 to $2,000.00	=$23.50 for the first $500.00 plus $3.05 for each additional $100.00, or fraction thereof, to and including $2,000.00
$2,001.00 to $25,000.00	= $69.25 for the first $2,000.00 plus $14.00 for each additional $1,000.00, or fraction thereof, to and including $25,000.00
$25,001.00 to $50,000.00	= $391.75 for the first $25,000.00 plus $10.10 for each additional $1,000.00, or fraction thereof, to and including $50,000.00
$50,001.00 to $100,000.00	= $643.75 for the first $50,000.00 plus $7.00 for each additional $1,000.00 or fraction thereof, to and including $100,000.00
$100,001.00 to $500,000.00	= $993.75 for the first $100,000.00 plus $5.60 for each additional $1,000.00, or fraction thereof, to and including $500,000.00
$500,001.00 to $1,000,000.00	= $3,233.75 for the first $500,000.00 plus $4.75 for each additional $1,000.00, or fraction thereof, to and including $1,000,000.00
$1,000,001.00 and up	= $5,608.75 for the first $1,000,000.00 plus $3.65 for each additional $1,000.00, or fraction thereof

(Ord. No. 91-12, 5/14/91, Enacted)
(Ord. No. 92-17, 4/28/92, Amended)
(Ord. No. 02-65, 7/10/02, Amended)
(Ord. No. 03-21, 5/23/03, Amended) SUPP 2003-2
(Ord. No. 04-22, 5/16/04, Amended) SUPP 2004-2
(Ord. No. 07-11, 4/17/07, Amended) SUPP 2007-2
(Ord. No. 07-32, 10/02/07, Amended) SUPP 2007-4

TABLE 2-211

Section 2-211 (a)
ENGINEERING DEPARTMENT,
FEES REQUIRED

Item	Date Effective August 23, 2005
Maps – 11” x 17”	$1.00
Maps - 18” x 24”	$5.00
Maps - 24” x 36”	$10.00
Subpoenaed Record - copy cost [per page]	$.10
Research and Processing Fee - per person minimum charge 1/2 hour [per hour]	$45.00
Research and Processing Fee – Engineering Technician	$80.00
Application and processing of Letter Agreements with City for special site development issues [per hour]	$25.00
Photocopies [per page] [up to 50 pages]* the City may elect not to charge is the cost of charging exceeds the value of the photocopies	$.20
Photocopies [per page] [51st and all subsequent pages]	$.15
Recording and Document Handling Fee [plus actual cost billed by county recorder to city]	$35.00
Floodplain Research Results Letter	$25.00
Plan Review - Walls and Fences 6 foot/8 inches or less other than retaining walls [includes permit for walls and fences located adjacent to right of way and/or adjacent or crossing washes]	Actual fees charged by contract courier
Facsimile charge for providing information in addition to Photocopies - [per page] [Minimum charge $1.00]	$1.00
Grading and Drainage - Office review [per plan sheet]	$360.00
Grading and Drainage - Third review and each review thereafter [per plan sheet per Review]	$250.00

Grading and Drainage - Revision of existing plans [per plan sheet]	$360.00
Grading and Drainage - Permit Application processing charge. Plus **0 to 1000 Cubic yards**: $31.40 for each 100 cubic yards or fraction thereof. **1,001 to 10,000 Cubic yards**: $300.00 plus $62.80 for each 1,000 cubic yards or fraction thereof. **10,001 to 100,000 Cubic yards**: $680.00 plus $125.60 for each 10,000 cubic yards or fraction thereof. **100,001 or more Cubic yards**: $1940.00 plus $125.60 for each 100,000 cubic yards or fraction thereof. Minimum Residential Grading and Drainage Permit Charge -- $100.00 Minimum Commercial Grading and Drainage Permit Charge -- $200.00	$15.00
"At-Risk" Grading & Drainage - Permit Application processing surcharge (in addition to the regular Grading & Drainage Permit Fee)	50%
Grading and Drainage Permit Penalty for failure to obtain permit prior to authorization by City -- Per day.	$1,000.00
Off site Improvement submittal -- Office review [per plan sheet]	$360.00
Off site Improvement submittal - Third and Subsequent office reviews [per plan sheet per review]	$250.00
Off site Improvement Plan Revisions [per plan sheet]	$360.00
Off site Improvement Permit Penalty for failure to obtain permit prior to authorization by City -- Per day.	$1,000.00
Public Water/Sewer Improvement Plans - Office review -- per plan sheet	$360.00
Public Water/Sewer Improvement Plans - Third review and each review thereafter [per plan sheet per review]	$250.00
Public Water/Sewer Improvement Plans - Revision of existing plans -- per plan sheet	$360.00
Street Lighting Plan submittal - Office Review [per plan sheet]	$360.00
Street Lighting Plan submittal - Third and Subsequent Reviews [per plan sheet per review]	$250.00
Street Lighting Plan Revisions [per plan sheet]	$360.00
Local Street Signing Plan Submittal – Office Review [per plan sheet]	$360.00

Traffic Signal Design Plan - Office Review [per plan sheet]	$360.00
Traffic Signal Design Plan - Third and Subsequent Office Reviews [per plan sheet per review]	$250.00
Signing & Striping Plan submittal - Office Review [per plan sheet]	$360.00
Signing & Striping Plan submittal - Third and Subsequent Reviews [per plan sheet per review]	$250.00
Master Residential Development (Greater than 500 lots) drainage report - Office review - per report	$2,000, plus $2.50/Acre
Major Residential Subdivision greater than 10 lots) drainage report - Office review - per report	$250.00, plus $25.00/Acre
Individual Parcel Development (within a Master Residential Development) Drainage Report - Office Review-Per Report	$500.00
Minor Residential Subdivision (up to 10 lots) drainage report – Office review - per report (no charge for drainage reports for single family lots)	$350.00
Commercial Subdivision drainage report - Office review - per report	$350.00, plus $25.00/Acre
Single Commercial lot drainage report - Office review - per report	$350.00
Master Residential Development Traffic Impact Analysis (TIA) - Office review - per report	$1,200.00
Individual Parcel Development (within a Master Residential Development) Traffic Impact Analysis - Office Review - Per Report	$500.00
Major Residential Subdivision (greater than 10 lots) Traffic Impact Analysis (TIA) - Office review - per report	$800.00
Minor Residential Subdivision (up to 10 lots) Traffic Impact Analysis (TIA) - Office review - per report	$300.00
Commercial Subdivision Traffic Impact Analysis (TIA) - Office review [per report]	$800.00
Single Commercial lot Traffic Impact Analysis (TIA) - Office review - per report	$200.00
Intersection/Signal Traffic Analysis Report – Office Review [Per report]	$500.00
City Prepared Traffic Impact Statement for Driveway and Deceleration Lane Evaluation.	$350.00 plus $150.00 per driveway
Master Residential Development Storm Water Management Plan (SWMP/SWPPP) - Office review - per plan	$1,000.00
Residential/Commercial Subdivision Storm Water Management Plan (SWMP/SWPPP) - Office review - per plan [per parcel]	$500.00

Single Commercial Lot Storm Water Management Plan (SWMP/SWPPP) - Office review - per plan	$350.00
Single Residential lot Storm Water Management Plan (SWMP/SWPPP) – Office review - per plan	$50.00
Map of Dedication	$1200.00 plus $0.20 per lf of dedicated ROW
Master Final Plat – Final Plat dedicating Major ROW and defining individual Parcels	$600.00 plus $5.00 per Acre
Minor Residential Subdivision--Final Plat Fee	$600.00 plus $15.00 per Lot
Residential Subdivision (other than Minor)--Final Plat Fee $15.00 per lot (Less than 25 lots) $10.00 per lot (25 to 50 lots) $5.00 per lot (greater than 50 lots)	$1200.00 plus Per lot fee
Re-subdivision or amended final plat fee	$600.00 plus $5.00 per lot
Non residential subdivision – Final Plat	$1,500.00 plus $11.00 per Acre
Minor Land Division Application Fee	$800.00
Review and incorporation of subdivision plans into Computer Aided Design System [per hour]	$82.00
Application for alternate methods of subdivision assurances *minimum fee or $25.00 per hour which ever is greater	$150.00*
Application for acceptance of Private Streets into City System (Subject to City Engineer's approval)	$400.00
Review of Plans for acceptance of Private Streets into City System [per plan sheet per review]	$360.00
Third and subsequent review of plans for acceptance of Private Streets into City System [per plan sheet]	$250.00
Application and review of dedication of right of way or easements to City, other than plats or maps of dedication [per item, unless otherwise noted]	$375.00 Commercial $175.00 Residential Development $100.00 – Single Family Residential

Application and Petition for modification or correction of Assessments - plus all outside Improvement District Engineering and Board Counsel Fees - plus City review and processing fee - 60% fee to Engineering 20% of fee to City Attorney and Management Services Each.	$500.00
Capital Improvements - 5 year Master Plan [per page] Minimum charge $.50	$.20
Capital Improvements - water, wastewater Master Plan [per page] Minimum charge $.50	$.20
Capital Improvements Project Permit Fee	$25.00
Water/sewer/grading/paving Construction Schedule [per page] Minimum charge $.50	$.20
Residential Street Addressing Fee - Per lot [does not apply to custom single residential lots]	$25.00
Commercial Street Addressing Fee -- Per building address	$25.00
Petition fee for formation of Maintenance Improvement District -- per lot	$15.00
Petition fee for formation of Street Light Improvement District -- per lot	$15.00
Engineering Permit - Application Processing Charge plus Engineering inspection fee [see below]	$15.00
Engineering Inspection fee [0.035 of the contract price]	*
Engineering/Utilities Fire Hydrant Layout Plan Review Fee [per plan sheet]	$360.00
Engineering review of Sewer Tap by Contractor - per tap [for single residential lot tap]	$150.00
Engineering Sewer Tap (by Contractor) inspection fee per tap [for single residential lot tap], plus street cut surcharge, per Peoria's City Code, Section 23-54.	$500.00
Engineering review of water meter Tap by Contractor - per tap [for single residential lot tap], plus street cut surcharge, per Peoria's City Code, Section 23-54.	$100.00
Engineering Water Meter Tap (by Contractor) inspection fee per tap [for single residential lot tap]	$500.00
Engineering inspection outside of normal working hours [per hour – 2 hours, per incident minimum]	$75.00
Temp Access Application Fee	$50.00
Driveway Cut request review Fee – per driveway [for single residential lot driveways]	$250.00

Driveway Cut Request inspection Fee – per driveway [for single residential lot driveways]	$500.00
Traffic Control Plan review Fee	$100.00
Expedited review Fee (50% of the standard review time frame at the time of the request or 21 calendar days, which ever is greater) Subject to approval of Engineering Director (or designee)	200% of Normal fee Minimum $1000.00
Fog Seal Fees charged at time of permit	$0.21 /sy
Retaining Wall/Sound Wall Engineering Review Fee [per design]	$500
Retaining Wall /Sound Wall Permit [per square foot of wall] Wall height to include retained and un-retained height	$15.00 plus
0 - 500 square feet of wall	$250.00
501 – 1000 square feet of wall	$500.00
Greater than 1000 square feet of wall	$500.00 plus $0.20/sf over 1000

(Ord. No. 91-12, 5/14/91)
(Ord. No. 92-17, 4/28/92)
(Ord. No. 95-16, 4/4/95)
(Ord. No. 96-04, 1/3/96)
(Ord. No. 96-13, 2/20/96)
(Ord. No. 03-24, 6/3/03, Amended) SUPP 2003-2
(Ord. No. 04-184, 7/6/04, Amended) SUPP 2004-3
(Ord. No. 05-29, 5/24/05, Amended) SUPP 2005-2
(Ord. No. 05-43, 8/23/05, Amended) SUPP 2005-3

TABLE 2-213

Section 2-213 (a)
COMMUNITY DEVELOPMENT, PLANNING; ZONING; FEES REQUIRED

Item	Fee
Re-zoning Classification and Map Amendment Application Fee	$1,500.00
Re-zoning Classification and Map Amendment Processing Fee – minimum one acre [per acre]	$40.00
Planned Area Development/Planned Community Development Base Application Fee[maximum total application and processing fee is $50,000.00]	$2,000.00
Planned Area Development/Planned Community Development Processing Fee-[0 – 640 acres] [per acre]	$75.00
Planned Area Development/Planned Community Development Text amendment	$1,000.00
Planned Area Development/Planned Community Development Text and Map Amendment	10% of current fee
Amendment of Zoning Application during processing of Application	$300.00
Amendment, modification, deletion of approved zoning stipulations - [percentage of current fee at time of amendment]	$1,500.00
Written verification of zoning status	$100.00
Application for major general plan amendment	3,000.00
Application for minor general plan amendment	1,500.00
Application to adopt redevelopment or specific plan	$2,000.00
Adoption of redevelopment or specific plan processing fee--[per acre]	$5.00
Amendment to existing redevelopment or specific plan--[percentage of current fee]	50%
Conditional Use Permit	$500.00
Application to Board of Adjustment for Code Interpretation	1,000.00
Application to Board of Adjustment for Variance relating to residential property	$250.00

Item	Fee
Each additional application to Board of Adjustment for Variance relating to residential property.	$50.00
Variance on two or more lots--Application Fee	$1,000.00
Additional simultaneous variances--Application Fee	$200.00
Variances--Processing fee per lot.	Less than 25 Lots: 15.00 25-50 Lots 10.00 over 50 lots: 5.00
Application to Board of Adjustment for Variance relating to non-residential property	$1,000.00
Each Additional application to Board of Adjustment for Variance relating to non-residential property filed simultaneously with first application	$100.00
Wall requirement waiver	$100.00
Design Review requirement waiver	$100.00
Hillside Waiver	$500.00
Waiver fee per lot [25 or fewer lots]	$15.00
Waiver fee per lot [26 – 50 lots]	$10.00
Waiver fee per lot [over 51 lots}	$5.00
Application for Temporary Use Permit	$100.00
Private Text amendment application seeking to amend zoning ordinance	$1,000.00
Application to Commission for Unspecified Use	100.00
Residential Subdivision-Preliminary Plat Fee	$1,500.00
Design Review without site plan	$250.00
Single Family residential design review	$250.00
Time extension on Preliminary Plat	$500.00
Subdivision regulation requirement, modification/waiver	$500.00
Residential subdivision plat stipulation--modification/deletion--[percentage	$1,500.00

Item	Fee
of current fee]	
Appeal of Preliminary Plat decision of Planning and Zoning Commission to City Council	$1,000.00
Non residential subdivision - Preliminary Plat Fee	$2,500.00
Non Residential Subdivision - Per Lot Processing Fee	5.00
Non residential subdivision plat/map of dedication stipulation, modification, deletion--[percentage of current fee]	50%
Sign plan review	$30.00
Sign permit fee	0-32 sq.ft. $70.00 33-48 sq.ft $80.00 48 sq.ft. + $120.00
Sign permit extension	100.00
Temporary Mobile Home Permit Application	75.00
Adult home care application	$50.00
Application for Site Plan	$3,000.00
Site Plan processing fee -- Per Acre	$50.00
Site Plan Amendment - [percentage of current fee]	50%
Site Plan Extension - [percentage of current fee]	30%
Plan Review Fee-Walls and Fences--[if performed with other building reviews on site, if separate, fee will be charged in accordance with Uniform Building Code]	5.00
Inspection Fee-Walls and Fences--[if performed with other building inspections on site, if separate, fee will be charged in accordance with Uniform Building Code]	5.00
Single-family residential landscape plan review [per sheet] [four sheet maximum]	$160.00

Item	Fee
Landscape Permit [less than 20,000 square feet area]	$100.00
Landscape Permit [20,000.1 square feet or more area]	$200.00
On-site Landscaping Inspection	$50.00
On-site Landscaping Reinspection	$100.00
Review Fee--Canopy	$100.00
Zoning Compliance Certification for business and liquor license review	$20.00
Copies of the Official Zoning Map (24 x 30)	50.00
Copies of the Official Zoning Map (11 x 17)	7.00
Maps and Documents Fee (8.5 x 11) [color] [per page]	1.00
Maps and Documents Fee (11 x 14 or greater) [color] [per page]	1.75
Pre-application meeting--[first meeting]	0.00
Pre-application meeting--[second meeting]	0.00
Pre-application meeting--[third and each subsequent meeting]	$500.00
Research and Processing Fee - per person minimum charge 1/2 hour [per hour]	$38.00
Recording and Document Handling Fee--[plus actual cost billed by county recorder to city]	35.00
Non-Profit Organization Fee--[percentage of current fees]	10%
Application for noise sensitive area	$100.00

*For purposes of the Planned Community District Fee, the initial fee shall be calculated from 0 – 1000 acres, even though the minimum acreage for this district is 640 acres. In essence the minimum per acre processing fee is $32,000, calculating 640 acres x $50.

(Ord. No. 91-12, 5/14/91, Enacted)
(Ord. No. 92-17, 4/28/92, Amended)
(Ord. No. 95-16, 4/4/95, Amended)
(Ord. No. 96-04, 1/3/96, Amended)
(Ord. No. 96-83, 9/17/96, Amended to add Minor Land Division Application Fee)
(Ord. No. 00-09, 2/15/00, Amended pertaining to Planned Community District Fees) SUPP 2000-1
(Ord No. 02-65, 7/9/02, Amended) SUPP 2002-2

CHAPTER 2 – ADMINISTRATION

(Ord. No. 03-21, 5/23/03, Amended) SUPP 2003-2
(Ord. No. 03-24, 6/3/03, Amended) SUPP 2003-2
(Ord. No. 06-32, 09/05/06, Amended) SUPP 2006-3

TABLE 2-215

Section 2-215 (a)
FIRE DEPARTMENT; FEES REQUIRED

Item	Date Effective July 11, 2006
Advanced Life Support Services	**
Copies of fire/emergency medical services reports within the first 30 days after incident date	10.00
Copies of fire/emergency medical services reports after 30 days from incident date	20.00
Flammable/Combustible Liquids Tank Permits - New Tank Above Ground	360.00
Flammable/Combustible Liquids Tank Permits - New Tank Underground	360.00
Underground Tank Removal - First Tank	360.00
Underground Tank Removal - Each Additional Tank	360.00
Fireworks Permit [in the event of a conflict between Table 9-33 and this table, this table shall be applicable]	500.00
Tent Permit [in the event of a conflict between Table 9-33 and this table, this table shall be applicable]	80.00
Subpoenaed Record - copy cost [per page]	.10
Research and Processing Fee-per person [per hour] minimum charge 1/2 hour [per hour]	42.00
Field Incident Comments	2.00
Other permits as required by the Fire Chief	35.00

** Advanced Life Support Fee will be set at difference between Advanced Life Support (ALS) and Basic Life Support (BLS) Base Rates as approved by the Arizona Department of Health Services.
(Ord. No. 91-12, 5/14/91, Enacted)
(Ord. No. 92-17, 4/28/92, Amended)
(Ord. No. 02-65, 7/9/02, Amended) SUPP 2002-2
(Ord. No. 03-21, 5/23/03, Amended) SUPP 2003-2
(Ord. No. 06-23, 07/11/06, Amended) SUPP 2006-03

TABLE 2-217

Section 2-217 (a)
FINANCE DEPARTMENT; FEES REQUIRED;
SALES TAX LISTS, PHOTOCOPIES

Item	Date Effective July 1, 1996
Dog License--incapable of pro-creation[annual fee] In accordance with fee adopted by Maricopa County.	*
Dog License--capable of pro-creation[annual fee] In accordance with fee adopted by Maricopa County.	*
Remote License Processing Fee[per license] In accordance with fee adopted by Maricopa County.	*
Lost or Duplicate License[per license] In accordance with fee adopted by Maricopa County.	*
Transfer of License In accordance with fee adopted by Maricopa County.	*
Late License Fee[per month late] In accordance with fee adopted by Maricopa County.	*
Daily Board Fee-- In accordance with fee adopted by Maricopa County.	*
Euthanasia Fee-- In accordance with fee adopted by Maricopa County.	*
Sales Tax Vendor Listing	20.00
Photocopies [per page] first fifty photocopies. The finance department may elect not to charge if the cost of processing is more than the cost of copies.	.20
Photocopies [per page] fifty first and additional pages	.15
Copies-all other documents [per page]	.20
Subpoenaed Record-copy cost [per page]	.10
Research and Processing Fee-per person [per hour] minimum charge 1/2 hour	25,99
Dishonored Check for reason of insufficient funds or non-existent account [per check] *plus any additional charge billed by the bank to	*30.00

the City for the dishonored check.	

(Ord. No. 91-12, 5/14/91, Enacted)
(Ord. No. 92-17, 4/28/92, Amended)
(Ord. No. 94-75, 11/15/94)
(Ord. No. 95-33, 6/6/95, Amended)
(Ord. No. 96-31, 6/4/96, Amended)
(Ord. No. 02-64, 7/9/02, Amended) SUPP 2002-2

TABLE 2-218
REPEALED

(Ord. No. 91-12, 5/14/91, Enacted)
(Ord. No. 92-17, 4/28/92, Amended)
(Ord. No. 94-75, 11/15/94)
(Ord. No. 02-64, 7/9/02, Amended) SUPP 2002-2
(Ord. No. 04-205, 12/14/2004, Repealed) SUPP 2004-4

TABLE 2-219
Section 2-219 (a)
FINANCE DEPARTMENT;
REVENUE AND COLLECTIONS DIVISION

Item	Date Effective May 4, 2004
Fingerprinting, Processing with Criminal History**	35.00
Peddlers License*	75.00
Second Hand Sales License*	40.00
Auction House License*	40.00
Scrap Metal Dealer License*	40.00
Privilege Sales Tax License Fee, effective January 1, 2002	30.00
Privilege Sales Tax License Fee, effective January 1, 2003	50.00
Special Event Business License	25.00
Business License Class A Application *	55.00
Business License Class B Application *	55.00
Business License Class C Application *	75.00
Business License Class D Application *	180.00
Business License Class E Application *	55.00
Business License Transfer	20.00
Assessment Delinquency Advertising [parcel]	5.00
Assessment Delinquency Title Search **[Actual cost of Title Search plus ten percent processing fee]	**
Early Assessment Payoff Processing Fee	25.00

*All fees other than the Special Event Business License will be charged on a full year basis commencing on the beginning of the calendar year. For calendar year 2004, those occupational licenses in Classes A – E expiring from January 1, 2004 – June 30, 2004 will be charged the total fee. Those licenses expiring from July 1 – December 31, 2004 will be charged 50% of the total fee. Commencing on January 1, 2005, each license will be valid for a full one year period upon issuance.
** Applications for City Licenses requiring both fingerprint processing ($9.00) and criminal history processing ($24.00)

CHAPTER 2 – ADMINISTRATION

(Ord. No. 91-12, 5/14/91, Enacted)
(Ord. No. 92-17, 4/28/92, Amended)
(Ord. No. 94-75, 11/15/94)
(Ord. No. 99-108, 12/14/99, Amended) SUPP 1999-4
(Ord. No. 01-15, 4/17/01, Amended) SUPP 2001-3
(Ord. No. 02-64, 7/9/02, Amended) SUPP 2002-2
(Ord. No. 03-180, 12/2/03, Amended) SUPP 2003-4
(Ord. No. 04-21, 5/4/04, Amended) SUPP 2004-3

CHAPTER 2 – ADMINISTRATION

TABLE 2-220 (a)

POLICE DEPARTMENT; FEES REQUIRED

Item	Fee
Fingerprinting, Processing Only	13.00
Copies of Accident or Investigation Reports subject to disclosure	8.00
Fingerprinting, Processing with Criminal History Record Check for License Purposes under City Code**	35.00
Copy of Criminal History to other than Law Enforcement or Prosecuting agency	24.00
Communications Tapes	37.00
Pawnbroker Transaction Fee—per ticket	3.00
Second hand dealer Transaction Fee—per ticket	3.00
Scrap metal dealer Transaction Fee—per ticket	3.00
Letter of Good Conduct	18.00
Notary Fee	
Parade Permits	17.00
Request for Crime Scene Photographs Actual Cost of Reproduction of Photographs, together with request processing fee	43.00
Subpoenaed Record-copy cost [per page]	.10
Research and Processing Fee – per person [per hour] minimum charge 1/2 hour	38.00
Application for Alarm Permit – Agent	65.00
Application for Alarm Permit – Business	140.00
Application for Alarm Subscriber Permit	20.00
Annual Permit Fee – Agent	20.00
Annual Permit Fee – Business	20.00
Annual Alarm Subscriber Permit [per alarm]	10.00
Assessment for False Alarms for the fourth through eighth false	75.00

alarms during a one year period.	
Assessment for False Alarms for the ninth and each subsequent false alarms during a one year period.	150.00
Criminal History Processing	22.00

** Applications for City Licenses requiring both fingerprint processing ($13.00) and criminal history processing ($22.00)

(Ord. No. 91-12, 5/14/91, Enacted)
(Ord. No. 92-17, 4/28/92, Amended)
(Ord. No. 94-75, 11/15/94, Amended)
(Ord. No. 99-95, 9/1/99, Amended) SUPP 1999-3
(Ord. No. 00-05, 1/18/00, Amended) SUPP 2000-1

TABLE 2-222

Section 2-222 (a)
PUBLIC WORKS DEPARTMENT;
FLEET AND FACILITIES CHARGES

Item	Date Effective October 1, 1999
Dial-A-Ride Fare---General Public[over the age of 12]*,**	3.00
Dial-A-Ride Fare---Seniors and Disabled customers, *,**	1.00
Dial-A-Ride Fare---Children Age 5-12,*,**	1.00
Dial-A-Ride Fare---Children Under Age 5,*,**	No Charge
Dial-A-Ride Fare--20 Ride Pass General Public,*,**	$54.00
Dial-A-Ride Fare--20 Ride Pass, Seniors, Disabled and Children,*,**	$18.00

*All fares for service are subject to a 24 hour advance reservation requirement unless waived for good cause by the transit supervisor.
**Service is restricted to those parts of the City of Peoria, South of Pinnacle Peak Road, except for point of origin for senior and disabled customers residing North of Pinnacle Road
(Ord. No. 91-12, 5/14/91, Enacted)
(Ord. No. 91-34, 10/21/91, Amended)
(Ord. No. 92-17, 4/28/92, Amended)
(Ord. No. 99-94, 9/1/99, Existing Table combined into Table 2-224) SUPP 1999-3

TABLE 2-223

Section 2-223 (a)
UTILITIES DEPARTMENT;
INDUSTRIAL WASTE CHARGES

Item	Date Effective June 13, 1991
Industrial Waste - Metal Finishing	1,030.00
Industrial Waste - Grocery Stores	160.00
Industrial Waste - Outpatient Medical Facilities	270.00
Industrial Waste - Restaurants or Food Service Establishments	140.00
Industrial Waste - Photography or Film Development Establishments	200.00
Industrial Waste - Motor Vehicle Repair Facilities	290.00
Industrial Waste - Testing Laboratories	200.00
Industrial Waste - Laundry Services	240.00
Industrial Waste - Printing and Copying Facilities	200.00
Industrial Waste - Beauty or Hair Styling Facilities	175.00
Industrial Waste - Veterinary Facilities	270.00
Industrial Waste – Bakeries	160.00
Industrial Waste - Mortuaries or Funeral Facilities	200.00
Industrial Waste - Educational Facilities, whether Public or Private	290.00

(Ord. No. 91-12, 5/14/91, Enacted)
(Ord. No. 92-17, 4/28/92, Amended)

TABLE 2-224

UTILITIES DEPARTMENT;
STANDARD COST

Item	Fee
Utility Service Initiation Fee	28.00
Delinquent Bill Processing Fee	50.00
Processing Fee for Issuance of Notice of Disconnection.	1.00
Meter or Service Tampering Fee	75.00
Field Trip Service Fee	32.00
Commercial & Multi-Residential Utility Service Deposit	225.00
Non-Owner Occupied Utility Service Deposit	200.00
Commercial Solid Waste Service Deposit	225.00
Hydrant Meter Service Deposit	1,000.00
Water Service-Hydrant Meter	Cost to City, plus 20% of cost to cover overhead
3/4 Inch Meter--Standard Installation [per meter]	Cost to City, plus 20% of cost to cover overhead
All other Meters--Installation [per meter]	Cost to City, plus 20% of cost to cover overhead
Deposit for first meter test upon customer request in 12 month consecutive period	No Charge
Second and subsequent meter test upon customer request in twelve month consecutive period	32.00

Description		Total Minimum Cost
Fire Hydrant		
Hydrant Replacement		$ 3,900.00
Hydrant Repair Kit		$ 500.00
Fee for repair, or replacement of damage done to Fire Hydrant not listed above.		Cost to the City, plus 20% (overhead).
Water Service		
3/4" Service Replacement		$ 1,900.00
1" Service Replacement		$ 2,200.00
1 1/2" Service Replacement		$ 2,600.00
2" Service Replacement		$ 3,100.00
Fee for repair, or replacement of damage done to Distribution System not listed above.		Cost to the City, plus 20% (overhead).
Water Main		
4" Water Main Repair		$ 2,000.00
6" Water Main Repair		$ 2,100.00
8" Water Main Repair		$ 2,200.00
Fee for repair, or replacement of damage done to Distribution System not listed above.		Cost to the City, plus 20% (overhead).
Water Valve		
4" Water Valve Replacement		$ 2,400.00
6" Water Valve Replacement		$ 2,600.00
8" Water Valve Replacement		$ 2,700.00
Fee for repair, or replacement of damage done to Distribution System not listed above.		Cost to the City, plus 20% (overhead).
Wastewater Collections		
Fee for repair, or replacement of damage done to Collections System.		Cost to the City, plus 20% (overhead).
Any damage done to City of Peoria water distribution system, wastewater collections system, water production system, reclamation system and any other utility not covered under this standard cost list will be subject to be charged as cost to the City, plus 20% cost to cover overhead.		

Reclaimed Water Volume Charge	
Fee per 1,000 Gallons	$1.05

TABLE 2-224,
SECTION 2-224 Page 2
UTILITIES DEPARTMENT

WATER RATE SUMMARY SCHEDULE

		Effective 4-Jan-06	Effective 3-Jan-07
Base Charge	**Meter Size**		
All Customers	5/8” – 3/4”	$13.35	$13.35
	1”	$15.87	$15.87
	1 1/2”	$18.42	$18.42
	2”	$25.42	$25.42
	3”	$65.41	$65.41
	4”	$92.42	$92.42
	6”	$144.48	$144.48
Volume Charge:			
Residential	2,000 – 5,000	$1.41	$1.41
	6,000 – 10,000	$2.54	$2.54
	11,000 – 25,000	$3.05	$3.05
	26,000+	$3.63	$3.63
Multi-Residential	2,000 – 5,000	$1.41	$1.41
	6,000 – 10,000	$2.04	$2.04
	11,000 – 25,000	$2.48	$2.48
	26,000+	$2.97	$2.97
Residential Care	2,000 – 5,000	$1.41	$1.41
	6,000 – 10,000	$2.04	$2.04
	11,000 – 25,000	$2.48	$2.48
	26,000+	$2.97	$2.97
Commercial/Industrial	2,000 – 5,000	$1.41	$1.41
	6,000 – 10,000	$2.04	$2.04
	11,000 – 25,000	$2.48	$2.48
	26,000 – 50,000	$2.97	$2.97
	51,000+	$3.02	$3.02
Agricultural	2,000 – 5,000	$1.41	$1.41
	6,000 – 10,000	$2.04	$2.04
	11,000 – 25,000	$2.48	$2.48
	26,000 – 50,000	$2.97	$2.97
	51,000+	$3.02	$3.02
Landscape	2,000 – 5,000	$1.41	$1.41
	6,000 – 10,000	$2.04	$2.04
	11,000 – 25,000	$2.48	$2.48
	26,000 – 50,000	$2.97	$2.97
	51,000+	$3.02	$3.02

Effective January 2008 and January 2009

WATER RATE SUMMARY SCHEDULE

		Effective 2-Jan-08	Effective 2-Jan-09
Base Charge	**Meter Size**		
All Customers	5/8” – 3/4”	$13.75	$14.16
	1”	$16.35	$16.84
	1 1/2”	$18.97	$19.54
	2”	$26.18	$26.97
	3”	$67.37	$69.39
	4”	$95.19	$98.04
	6”	$148.81	$153.27
	8”	$206.40	$212.70
Volume Charge:	Usage in gallons		
Residential	2,000 – 5,000	$1.45	$1.49
	6,000 – 10,000	$2.61	$2.69
	11,000 – 25,000	$3.14	$3.24
	26,000+	$3.74	$3.85
Multi-Residential	2,000 – 5,000	$1.45	$1.49
	6,000 – 10,000	$2.10	$2.17
	11,000 – 25,000	$2.55	$2.63
	26,000+	$3.06	$3.15
Residential Care	2,000 – 5,000	$1.45	$1.49
	6,000 – 10,000	$2.10	$2.17
	11,000 – 25,000	$2.55	$2.63
	26,000+	$3.06	$3.15
Commercial/Industrial	2,000 – 5,000	$1.45	$1.49
	6,000 – 10,000	$2.10	$2.17
	11,000 – 25,000	$2.55	$2.63
	26,000 – 50,000	$3.06	$3.15
	51,000+	$3.11	$3.20
Agricultural	2,000 – 5,000	$1.45	$1.49
	6,000 – 10,000	$2.10	$2.17
	11,000 – 25,000	$2.55	$2.63
	26,000 – 50,000	$3.06	$3.15
	51,000+	$3.11	$3.20
Landscape	2,000 – 5,000	$1.45	$1.49
	6,000 – 10,000	$2.10	$2.17
	11,000 – 25,000	$2.55	$2.63
	26,000 – 50,000	$3.06	$3.15
	51,000+	$3.11	$3.20

WASTEWATER RATE SUMMARY SCHEDULE

	Effective 4-Jan-06	Effective 3-Jan-07
Base Charge		
All Customers	$2.84	$2.93
Volume Charge – per 1000 gallons		
All Customers	$2.15	$2.22

Effective January 2008 and January 2009

WASTEWATER RATE SUMMARY SCHEDULE

	Effective 2-Jan-08	Effective 2-Jan-09
Base Charge		
All Customers	$3.02	$3.11
Volume Charge – per 1000 gallons		
All Customers	$2.28	$2.35

TABLE 2-224

SECTION 2-224 Page 4

UTILITIES DEPARTMENT

Environmental Mandate Fee

Class	Fee
Class 1 - Any Non-Residential User designated as a Significant Industrial User under this Chapter	$131.70
Class 2 - Any Non-Residential User defined as an Industrial User under this Chapter who is discharging a substance subject to a pre-treatment requirement.	$76.00
Class 3 - Any Non-Residential User defined as an Industrial User under this Chapter	$4.40
Class 4 - Any Non-Residential User of the Sewer System	$2.20
Class 5 - All Residential Users of the Sewer System	$0.70

Effective January 2008 and January 2009

ENVIRONMENTAL (EPA) FEE SUMMARY SCHEDULE

Customer Class	Effective 2-Jan-08	Effective 2-Jan-09
Residential Dwelling Unit	$0.80	$0.90
Commercial Class 4 (w/o grease traps)	$5.00	$7.50
Commercial Class 3 (w/grease traps)	$10.00	$15.00
Commercial Class 2 (Medium Industrial Users)	$80.00	$85.00
Commercial Class 1 (Large Industrial Users)	$140.00	$145.00

Fixed fee assessed per unit per month.
Residential class includes single-family accounts and multi-family dwelling units.

(Ord. No. 91-12, 5/14/91, Enacted)
(Ord. No. 91-34, 10/21/91, Amended)
(Ord. No. 92-17, 4/28/92, Amended)
(Ord. No. 92-29, 7/7/92, Amended)
(Ord. No. 95-33, 6/6/95, Amended)
(Ord. No. 98-04, 1/20/98, Amended)
(Ord. No. 99-94, 9/1/99, Amended) SUPP 1999-3
(Ord. No. 02-64, 7/9/02, Amended) SUPP 2002-2
(Ord. No. 04-196, 9/21/04, Amended) SUPP 2004-3
(Ord. No. 07-38, 11/20/07, Repealed existing Table 2-224 in its entirety, Enacted new Table 2-224, Section 2-224, pages 1-4, Tables.44-49) SUPP 2007-4
(Ord. No. 2010-35, 12/7/2010, Amended Utilities Department Standard Costs) SUPP 2010-4

TABLE 2-226

Section 2-226
UTILITIES DEPARTMENT;
LAW ENFORMCEMENT EXCISE CHARGES, STORMWATER EXCISE CHARGES

(Ord. No. 92-29, 7/7/92, Enacted)
(Ord. No. 92-31, 7/7/92, Amended)
(Ord. Nos. 92-29, 92-31, 7/7/92, Repeal Effective 7/1/93)

TABLE 2-227

Section 2-227
COMMUNCIATIONS AND PUBLIC AFFAIRS DEPARTMENT;
FEES, FILMING PERMIT APPLICATION: FILMING PERMIT EXPEDITED REVIEW

Table 2-227

Section 2-227 (a)

Communications and Public Affairs Department; Fees; Filming Permit Application; Filming Permit Expedited Review	
Item	DATE EFFECTIVE November 1, 2006
Filming Permit Application	$100.00
Filming Permit Expedited Review	$200.00

(Ord. 06-41, 11/14/06, Enacted) SUPP 2006-4

CHAPTER 2 – ADMINISTRATION

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CHAPTER 2 – ADMINISTRATION

Sec. 2-1. Numbering ordinances and resolutions.

All resolutions and ordinances shall be numbered so that the first number to appear shall be the last two (2) digits of the current calendar year followed by a space or dash, followed by consecutive numbering of passage or ordinances or resolutions beginning with the number "01" and again beginning each calendar year with the number "01".

Charter reference(s)--Ordinances, art. VII.

(Code 1977, § 2-5-3)

Sec. 2-2. Reserved.

(Ord. No. 97-116, 12/9/97)

Sec. 2-3. Travel and expense reimbursement.

(a) The City Manager shall promulgate a schedule for the payment of an allowance to reimburse officers of the City for incidental expenses incurred in the performance of their duties, including but not limited to travel, subsistence, communications, and related expenses. The schedule shall be filed in the Department of the City Clerk and shall be reviewed annually as part of the budget process.

(b) The City Manager may promulgate a schedule for the payment of an allowance to cover the cost of communications equipment and related expenses for designated employees of the City.

(Ord. No. 97-116, 12/9/97, enacted)
(Ord. No. 04-183, 7/6/04, amended) SUPP 2004-3
(Ord. No. 09-37, 10/06/09, amended) SUPP 2009-4

Secs. 2-4. Reserved through 2-15.

(Ord. No. 97-116, 12/9/97)

Sec. 2-16. City Council; meeting schedule.

(a) The Council shall hold regular meetings not less than once each month. At the first meeting of the Council in each calendar year, the Council shall adopt by resolution a schedule of the regular meetings for the year. Following adoption of the Resolution containing a schedule of regular meetings, the Resolution shall be posted in the same public locations as Council agendas. The regular meeting shall be held at 7:00 p.m. Regular meetings of the Council shall be held at the Municipal Complex or in such other locations as Council may determine.

(b) The Council shall, by resolution, establish a date and time for study sessions to be held on such items as deemed appropriate and in conformance with the Arizona Open Meetings Act, A.R.S. §38-431, et.seq.
(Code 1977, § 2-4-1)
(Ord. No. 92-21, 5/12/92, Amended)
(Ord. No. 00-08, 2/1/00, Amended (a) and (b)) SUPP 2000-1
(Ord. No. 09-01, 01/06/09, Amended (a)) SUPP 2009-1
Sec. 2-17. Mayor pro tem.

In the absence or disability of both the mayor and vice-mayor, the clerk, or any member of the council shall call the council to order and thereupon a mayor pro tem shall be chosen who shall have for the time necessary, the same powers and duties as the mayor.
(Code 1977, § 2-2-3)

Sec. 2-18. Council Not-For-Profit and Housing Sub-Committee; establishment; powers and duties.

(a) A Council Not-For-Profit and Housing Sub-Committee is established to consist of five members selected and appointed by the Mayor with the approval of the City Council. The Council Not-For-Profit and Housing Sub-Committee members shall consist of:

(1) Three members of the City Council;

(2) One member of the public who is a City resident; and

(3) One member of the public who may be a Housing Program participant

(b) The Council Not-For-Profit and Housing Sub-Committee shall have two purposes and goals:

(1) To consider grant and funding requests from not-for-profit agencies; and

(2) To act as a Housing Advisory Board for the City.

(c) The Council Not-For-Profit and Housing Sub-Committee shall consider and make written recommendations to the City Council of all requests for grants and City funding submitted by community not-for-profit agencies.

(d) The Council Not-For-Profit and Housing Sub-Committee shall act as the Housing Advisory Board as follows:

(1) As part of its duties the Housing Advisory Board shall:

(i) Recommend to the City Council an annual capital fund budget for the Peoria Housing Authority.

(ii) Establish rules, regulations, and procedures that shall govern the affairs of the Peoria Housing Authority.

(iii) Review and approve submissions of required reports and information to the U.S. Department of Housing and Urban Development, including but not limited to the following:

(A) Annual Action Plan.
(B) 5-Year Consolidated Plan.
(C) Admissions and Continued Occupancy Policy.
(D) Annual Maintenance Plan.
(E) Administrative Plan.
(F) Annual Capital Fund Budget.
(G) Management Operation Certification.
(H) Management Assessment Subsystem.
(I) Financial Assessment Subsystem.
(J) Resident Assessment Subsystem.
(K) Annual Contributions Contract.
(L) Section 8 Management Assessment Program and Real Estate Assessment Center.
(M) Enterprise Income Verification.
(N) Public Housing Assessment System.
(O) Office of Public Indian Housing Information Center Submittal Process 50058's
(P) E-Loccs Reporting.
(Q) Utility Rate Adjustments.
(R) Audit Reports and Responses.

(iv) Designate qualified individuals to serve on any advisory boards required by the U.S. Department of Housing and Urban Development.

(v) In addition, the Housing Advisory Board shall have such other powers and duties as directed by the City Council.

(2) The Housing Advisory Board shall not:

(i) Purchase or sell any real property.

(ii) Engage in any personnel matters involving City employees or contractors.

(3) In the event of any question concerning the scope of the Housing Advisory Board's duties, the Board shall seek the opinion of City staff and its legal counsel.

(e) The City Manager may designate a department or staff member of the City to furnish support to the Council Not-For-Profit Sub-Committee, as requested or required.
(Ord. No. 97-35, 7/16/95, enacted)
(Ord. No. 98-28, 4/7/87, repealed)
(Ord. No. 07-39, 12/18/07, Enacted new section 2-18) SUPP 2007-4

Sec. 2-19. City Council; internal auditor.

(a) The Internal auditor shall be responsible for the internal audit function of the city. The internal auditor shall be responsible for conducting compliance, program, information systems and operational audits of city departments, offices and programs and reporting findings and recommendations based thereon to the appointed officials or directors of the affected departments, the city manager and the city council. The internal auditor shall also conduct, review and assist with rate and fee studies of the city. The Internal auditor shall be ultimately responsible to the city council but shall receive direction from the city manager as to their duties. The city manager shall prepare an annual evaluation of the internal auditor's performance and submit the evaluation to the council and the internal auditor.

(b) The Internal auditor shall cooperate with positions under the city manager and with charter officers to assure the efficient administration of the city's financial affairs.
(Ord. No. 97-35, 7/16/95, enacted)

Sec. 2-20 City Council; Administrative Hearing Officers.

(a) The City Council by Resolution may designate one or more administrative hearing officers to hear administrative appeals arising under Chapters 2, 12, 19, 20, 23, and 25 of this code and the Zoning Ordinance of the City.

(b) The administrative hearing officers are deemed to be a judicial officer and shall be appointed for a defined term of not less than two years.

(c) Administrative hearing officers may be removed for any reason that a municipal judge may be removed pursuant to Section 15-2 of this code or for any conduct that would constitute a violation of the Arizona Code of Judicial Conduct or for cause in the determination of the City Council.
(Ord. No. 07-30, 09/04/07, enacted) SUPP 2007-4

Secs. 2-21 Reserved through 2-25.
(Ord. No. 97-35, 7/16/95, enacted 2-20 to 2-25 Reserved)
(Ord. No. 07-30, 09/04/07, amending 2-21 to 2-25 Reserved) SUPP 2007-4

Sec. 2-26. Suspension of division.

Any of the provisions of this division may be temporarily suspended in connection with any matter under consideration by a recorded vote of three-fourths of the councilmen present, except that this section does not permit any action that is contrary to state law or the charter.
(Code 1977, § 2-4-5)

Sec. 2-27. Agenda.

Prior to each council meeting, or on or before a time fixed by the council for preparation and distribution of an agenda, whichever is earlier, the clerk shall collect all written reports, communications, ordinances, resolutions, contracts, and other documents to be submitted to the council, and prepare an agenda according to the order of business and shall furnish a copy to each councilmember, the mayor, the city manager and the city attorney.

State law reference(s)--Agendas, A.R.S. § 38-431.02.
(Code 1977, § 2-4-3)

Secs. 2-28. Reserved through 2-35.

Sec. 2-36. Financial Disclosure; definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Business includes any enterprise, organization, trade, occupation or profession, whether or not operated as a legal entity or for profit, including any business trust, corporation, partnership, joint venture or sole proprietorship.

Compensation means anything of value or advantage, present or prospective, including the forgiveness of debt.

Controlled business means any business in which the local public officer or any member of his household has an ownership or beneficial interest, individually or combined, amounting to more than a fifty (50) percent interest.

Dependent business means any business in which the local public officer or any member of his household has an ownership or beneficial interest, individually or combined, amounting to more than a ten (10) percent interest, and during the preceding calendar year the business received from a single source more than ten thousand dollars ($10,000.00) and more than fifty (50) percent of its gross income.

Gift includes any gratuity, special discount, favor, hospitality, service, economic opportunity, loan or other benefit received without equivalent consideration and not provided to members of the public at large.

Local public officer means a person holding an elective office of the city.

Member of household means a local public officer's spouse and any minor child of whom the local public officer has legal custody.

Cross reference(s)--Definitions and rules of construction generally, § 1-2.
State law reference(s)--Similar provisions, A.R.S. § 38-541.
(Code 1977, § 2-1-2(2))

Sec. 2-37. Duty to file financial disclosure statement; contents.

(a) In addition to other statements and reports required by law, every local public officer, as a matter of public record, shall file with the city clerk on a form prescribed by the city clerk a verified financial disclosure statement covering the preceding calendar year ending December 31. The statement shall disclose:

(1) The name and address of the local public officer and each member of his household and all names and addresses under which each does business.

(2) The name and address of each employer and of each other source of compensation other than gifts amounting to more than one thousand dollars ($1,000.00) received during the preceding calendar year by the local public officer and members of his household in their own names, or by any other person for the use or benefit of the local public officer or members of his household, a description of the services for which the compensation was received and the nature of the employer's business. This paragraph shall not be construed to require the disclosure of individual items of compensation that constituted a portion of the gross income of the business from which the local public officer or members of his household derived compensation.

(3) For a controlled business, a description of the goods or services provided by the business, and if any single source of compensation to the business during the preceding calendar year amounts to more than ten thousand dollars ($10,000.00) and is more than twenty-five (25) percent of the gross income of the business, the disclosure shall also include a description of the goods or services provided to the source of compensation. For a dependent business the statement shall disclose a description of the goods or services provided by the business and a description of the goods or services provided to the source of compensation from which the dependent business derived the amount of gross income described in the definition of dependent business in section 2-36. If the source of compensation for a controlled or dependent business is a business, the statement shall disclose a description of the business activities engaged in by the source of compensation.

(4) The names and addresses of all businesses and trusts in which the local public officer or members of his household, or any other person for the use or benefit of the local public officer or members of his household, had an ownership or beneficial interest of over one thousand dollars ($1,000.00) at any time during the preceding calendar year, and the names and addresses of all businesses and trusts in which the local public officer or any member of his household held any office or had a fiduciary relationship at any time during the preceding calendar year, together with the amount or value of the interest and a description of the interest, office or relationship.

(5) All real property interests and real property improvements, including specific location and approximate size, located in the city, in which the local public officer, any member of his household or a controlled or dependent business held legal title or a beneficial interest at any time during the preceding calendar year, and the value of any such interest, except that this paragraph does not apply to a real property interest and improvements thereon used as the primary personal residence or for the personal

recreational use of the local public officer. If a local public officer, any member of his household or a controlled or dependent business acquired or divested any such interest during the preceding calendar year, he shall also disclose that the transaction was made and the date it occurred. If the controlled or dependent business is in the business of dealing in real property interests or improvements, disclosure need not include individual parcels or transactions as long as the aggregate value of all parcels of such property is reported.

(6) The names and addresses of all creditors to whom the local public officer or members of his household, in their own names or in the name of any other person, owed a debt of more than one thousand dollars ($1,000.00) or to whom a controlled business or dependent business owed a debt of more than ten thousand dollars ($10,000.00) which was also more than thirty (30) percent of the total business indebtedness at any time during the preceding calendar year, listing each such creditor. This paragraph shall not be construed to require the disclosure of debts owed by the local public officer or any member of his household resulting from the ordinary conduct of a business other than a controlled or dependent business. Disclosure is not required of credit card transactions, retail installment contracts, debts on residences or recreational property exempt from disclosure under paragraph (5) of this subsection, debts on motor vehicles not used for commercial purposes, debts secured by cash values on life insurance or debts owed to relatives. It is sufficient disclosure of a creditor if the name and address of a person to whom payments are made is disclosed. If the local public officer, any member of his household or a controlled or dependent business incurred or discharged a debt which is reportable under this subsection during the preceding calendar year, the report shall disclose that the transaction was made and the date it occurred.

(7) The identification and amount of each debt exceeding one thousand dollars ($1,000.00) owed at any time during the preceding calendar year to the local public officer and members of his household in their own names, or to any other person for the use or benefit of the local public officer or any member of his household. The disclosure shall include the identification and amount of each debt exceeding ten thousand dollars ($10,000.00) to a controlled business or dependent business which was also more than thirty (30) percent of the total indebtedness to the business at any time during the preceding calendar year. This paragraph shall not be construed to require the disclosure of debts from the ordinary conduct of a business other than a controlled or dependent business. If the local public officer, any member of his household or a controlled or dependent business incurred or discharged a debt which is reportable under this subsection during the preceding year, the report shall disclose that the transaction was made and the date it occurred.

(8) The name of each source of any gift, or accumulated gifts from a single source, of

more than five hundred dollars ($500.00) received by the local public officer and members of his household in their own names during the preceding calendar year, or by any other person for the use or benefit of the local public officer or any member of his household except gifts received by will or by virtue of intestate succession, or received by way of distribution from any inter vivos or testamentary trust established by a spouse or by an ancestor, or gifts received from any other member of the household or relatives to the second degree of consanguinity. Political campaign contributions shall not be construed as gifts if otherwise publicly reported as political campaign contributions as required by law.

(9) A list of all business licenses issued by the city or by any other governmental agency which requires for its issuance the consideration of the application for such license by the council to, held by or in which the local public officer or any member of his household had an interest at any time during the preceding calendar year, including the name in which the license was issued, the type of business and its location.

(10) A list of all bonds, together with their value, issued by the city, any industrial development authority of the city or town or any nonprofit corporation organized or authorized by the city or town held at any time during the preceding calendar year by the local public officer or any member of his household, which bonds issued by a single entity had a value in excess of one thousand dollars ($1,000.00). If the local public officer or any member of his household acquired or divested any bonds during the preceding calendar year which are reportable under this paragraph, the fact that the transaction occurred and the date shall also be shown.

(b) If an amount or value is required to be reported pursuant to this section, it is sufficient to report whether the amount or value of the equity interest falls within:

(1) Category 1, one thousand dollars ($1,000.00) to twenty-five thousand dollars ($25,000.00).

(2) Category 2, more than twenty-five thousand dollars ($25,000.00) to one hundred thousand dollars ($100,000.00).

(3) Category 3, more than one hundred thousand dollars ($100,000.00).

(c) This section does not require the disclosure of any information that is privileged by law.

(d) The statement required to be filed pursuant to subsection (a) of this section shall be filed by all persons who qualified as local public officers at any time during the preceding calendar year on or before January 31 of each year, with the exception that a local public officer appointed to fill a

vacancy shall, within sixty (60) days following his taking of such office, file a financial disclosure statement covering as his annual period the twelve-month period ending with the last full month prior to the date of his taking office.

(e) The city clerk shall prepare written guidelines, forms and samples for completing the financial disclosures statement required by this section. A copy of the guidelines, forms and samples shall be distributed to each local public officer and shall be made available to each candidate required to file a financial disclosure statement pursuant to section 2-38.

State law reference(s)--Similar provisions, A.R.S. § 38-542.(Code 1977, § 2-1-2(3))

Sec. 2-38. Financial Disclosure; candidates for local public office.

A candidate for local public office shall file a financial disclosure statement covering the preceding twelve-month period and containing the information described in section 2-37 on a form prescribed by the city clerk at the time of filing nomination papers.

State law reference(s)--Similar provisions, A.R.S. § 38-543.
(Code 1977, § 2-1-2(4))

Sec. 2-39. Lobbying; definitions.[1]

(a) "Elected City Official" means the Mayor and members of the City Council, whether serving by election or appointment.

(b) "Expenditure" means a payment, distribution, loan, advance, deposit or gift, and includes a promise or agreement, whether or not legally enforceable, to make an expenditure that provides a benefit to an elected City official that is incurred by or on behalf of a lobbyist.

(c) "Family Gift" means a gift to an elected City official or a member of his household from a lobbyist who is a relative of the elected City official or a member of his household if the donor is not acting for someone not covered by this paragraph.

(d) "Gift means money, real property or tangible personal property. For purposes of this section, gift does not include:

(1) A gift or inheritance from a spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother or sister-in-law, nephew, niece, aunt, uncle, first cousin, any such persons spouse, or as devisee in a will, if the donor is not acting for someone not covered by this paragraph and gifts of a personal nature were customarily received from such persons before becoming an elected City official.

1 **Charter Reference.** Article VIII.1, Ethics, Sec.5

(2) The value of meals, entertainment or lodging that is reported or exempt from reporting under this chapter.

(3) Salary, compensation or employer reimbursed expenses lawfully paid to an elected City official.

(4) The value of professional or consulting services not rendered to obtain a benefit for any lobbyist or lobbyist's client.

(5) Expenses relating to an event sponsored by a regional, statewide or national association of elected City officials.

(6) Expenses relating to an event to which all members of the City Council or any council committee are invited.

(7) A monetary award given to an elected City official in recognition of service or notable accomplishment.

(8) Informational material such as books, reports, pamphlets, tapes, calendars, periodicals or computer software.

(9) A campaign contribution that is properly received and reported as required by law.

(10) An item given to an elected City official if an item of similar value is given by the elected City official at the same time or on a similar occasion under similar circumstances.

(d) "Lobby" means any communication with any elected City official for the purpose of influencing official action.

(e) "Lobbyist" means any person who is compensated to lobby for a person other than himself.

(f) "Official Action" means the action of the City Council.

(g) "Person means an individual, partnership, committee, association, limited liability company or corporation or any other organization of persons.

(h) "Personal Hospitality" means meals, beverages, transportation or lodging furnished non-commercially by a person on his or his family's property or facilities.
(Ord. No. 97-05, 2/4/97, Enacted)

Sec. 2-40. Lobbyists, registration; reports; filing.

(a) Lobbyists shall register prior to lobbying or within ten (10) calendar days after first lobbying, by filing a statement with the City Clerk, containing the following:

(1) The name and business address of the lobbyist and any employee of the lobbyist who acts as a lobbyist, provided that an individual who is included as a lobbyist on the registration of the entity under subparagraph (2) of this section need not register separately.

(2) If the lobbyist is an organization, the legal name and business address of the entity, its chief executive officer and all its officers and employees who are designated to act as lobbyists in the City.

(3) The name and business address of all persons by whom the lobbyist is compensated to lobby and all persons on whose behalf lobbying is performed.

(b) A copy of a registration filing by a lobbyist in another municipality having an ordinance substantially similar as determined by the City Attorney to this chapter shall constitute a valid registration under this chapter. The lobbyist may file a copy of the registration filed in the other municipality with the City Clerk. The City Attorney shall file a list with the City Clerk of cities that have been deemed to have similar lobbyist ordinances.

(c) Any change in the information required by subsection (a) shall be reported to the City Clerk within thirty days.

(d) The registration shall be good for a period of one year, except that the first registration shall be valid until one year after January 1 of the year following initial registration.

(e) All statements required by this chapter shall be under oath and on forms prescribed by the City Clerk.

(f) At the time of registration or any time thereafter a lobbyist may file a statement certifying that the lobbyist intends to make no expenditures reportable under this chapter. Upon filing this statement, the lobbyist shall be exempt from the reporting requirements of this section, so long as no expenditures are made. If a lobbyist makes a reportable expenditure, the lobbyist shall file a report of such expenditure in the manner required by this Chapter and shall thereafter be subject to expenditure reporting requirements for one year, at which time a new statement of no expenditures may be filed. The statement under this subsection may also include a copy of a similar statement filed in another jurisdiction having an ordinance substantially similar to this chapter.

(g) Lobbyists shall report expenditures annually. The report shall be filed on each January 31, following the reportable year ending the prior December 31. Expenditures over twenty-

five dollars shall be itemized separately, listing the date, amount and nature of the expenditure, the name of the elected City official receiving or benefitting from the expenditure and the person on whose behalf the expenditure was made. If no expenditures were made during the reporting period, a lobbyist may file a sworn written statement certifying that no reportable expenditures were made. The statement under this subsection may also include a copy of a similar statement filed in another jurisdiction having an ordinance substantially similar to this chapter.

(h) All expenditures for events to which more than one elected official is invited shall be allocated on a pro-rata basis based on the total number of and/or elected officials invited.

(i) Expenditures for the lobbyist's personal sustenance, family gifts, personal hospitality, preparation or distribution of informational materials, campaign contributions, professional or consulting services not made on behalf of another person for compensation, and not rendered primarily for the benefit of an elected City official, office expenses, filing fees, legal fees, employees, compensation and travel are not required to be reported.
(Ord. No. 97-05, 2/4/97, Enacted)

Sec. 2-41. Lobbyists; exceptions to registration.

This chapter does not apply to:

(a) A person who is not compensated for lobbying activity other than reimbursement for actual expenses.

(b) A person, acting in his own behalf, who appears before an elected City official or contacts an elected City official to support or oppose official action.

(c) A public official, public employee or member of a state, county or local board, commission or council or an organization of governmental entities of which the City is a member acting in his official capacity on matters pertaining to his office, employment, board, commission or council.

(d) An expert introduced or identified by a registered lobbyist, or elected City official, who provides technical information or answers technical questions, and makes no expenditure required to be reported by this chapter.

(e) A person who performs professional services in drafting legislation or in advising and rendering opinions to clients as to the construction and effect of proposed or pending legislation.

(f) An attorney who represents clients at any quasi-judicial hearing held by a City official or in any litigation matter in which the City is an opposing party and the elected City official

is contacted pursuant to a duly filed notice, subpoena or request filed with counsel or the appropriate court.

(g) A person, including but not limited to a Lobbyist, who contacts an elected City official solely for the purpose of obtaining information.

(h) A person who contacts an elected City official concerning any procurement awarded through a competitive procurement process.
(Ord. No. 97-05, 2/4/97, Enacted)

Sec. 2-42. Lobbyists; prohibited practices; violations.

(a) No person shall make a gift to, or expenditure on behalf of an elected City official through another person to conceal the identity of the person making the gift or expenditure.

(b) No person shall give a gift to an elected City official for the performance of official duties or if it may reasonably be interpreted to be offered in order to influence an action or decision of an elected City official. A gift of less than Fifty Dollars in value shall raise a rebuttable presumption that the purpose of the Gift is not to influence an action or decision or a City official.

(c) A person who is convicted of a violation of any provision of sections 2-39 through 2-41 shall be guilty of a class one misdemeanor.
(Ord. No. 97-05, 2/4/97, Enacted)

Sec. 2-43. City Charter; ethics provisions; prohibited practices; violations.

(a) A violation of Article VIII.1, Sections 1 through 4 of the Peoria City Charter by an employee or public official of the city shall be deemed to be a violation of the City's personnel regulations and may be punished in the same manner as other misconduct.

(b) A violation of Article VIII.1, Sections 1 through 4 of the Peoria City Charter by an elected public official of the City shall be deemed to be misconduct and shall be punished by the city council by reprimand or censure.
(Ord. No. 97-05, 2/4/97, Enacted)

Sec. 2-44. Lobbying; opinions of the City Attorney; immunity.

(a) Any elected public official may request an opinion from the City Attorney as to their duties under sections 2-39 through 2-41. The final opinion of the City Attorney shall be a public record and shall be placed on file with the City Clerk.

(b) Notwithstanding any provision of this chapter or Article VIII.1 of the Peoria City Charter, no elected public official or employee is personally liable for acts done in their official capacity in good faith reliance upon a written opinion of the City Attorney.
(Ord. No. 97-05, 2/4/97, Enacted)

Secs. 2-45. through 2-48 Reserved.
(Ord. No. 07-30, 09/04/07, Amended)

Sec. 2-49. Claims Management; risk; defense and indemnifications.[2]

(a) All of the protections and benefits conferred by this section shall be enjoyed by any present or former Mayor, Vice-Mayor and each and all of the present or former members of the city council, city officers, municipal judges, city employees, including the city attorneys, any prosecuting attorneys, whether or not such attorneys are full-time employees or serving on a contract basis, and every one of the members of all city boards and commissions and subcommittees, which protected parties are referred to in this section individually as a ``city officer" and collectively or jointly as “city officials."

(b) Any City officer and all city officials shall be entitled to be exonerated, indemnified and held harmless by the City from and against any liability or loss in any manner arising out of, or occasioned by, his or their service as a City officer or officials and based upon any claim by any third party that the City or such City officer or officials, by any action or failure to act, damaged the property or infringed the rights of the third party, or of any other persons on whose behalf the third party brings a claim or legal action. The coverage afforded by this subsection shall not apply in any case where indemnification is not permissible pursuant to any state statute or any determination that such indemnification would be contrary to public policy.

(c) Subject to the above-stated limitations, the right to indemnification provided for in subsection (a) of this section shall extend as well to any claim brought by, or on behalf of, the city to recover damages alleged to have been occasioned to it or any of its property by any act or failure to act of any City officer or officials.

(d) In any case where indemnification is required under the provisions of this section the City shall pay, on behalf of any City officer and all City officials, any money judgments, and shall perform the onerous provisions of any court order, which may be entered against him or them, when such judgments or orders have become final and are no longer appealable.

(e) In any case where any City officer or officials are, entitled to be exonerated, indemnified and held harmless pursuant to the provisions of this section the City shall protect and

2 **Charter reference(s)**--Administrative departments, officers and employees, art. IV.; **Cross reference(s)**--Civil preparedness director, § 7-3; municipal judge, § 15-1; personnel, Ch. 19.

defend any City officer and all city officials from and against any litigation commenced against him or them, by engaging and compensating competent legal counsel to conduct his or their defense, and by paying all court costs, and any fees of opposing legal counsel, taxed or imposed by the court having jurisdiction.

(f) The City shall at all times procure insurance policies providing the maximum coverages and limits procurable at reasonable rates to protect its interests and to indemnify and protect all City officials and any City officer entitled to indemnification and protection under this section. Acceptance of coverage and undertaking of protection by any such insurance carrier shall be deemed to satisfy the requirements of this section on the part of the City. However, in any case or instance where an insurance carrier does not in fact accept coverage and defend any City officer or officials, or where the insurance policy limits are insufficient to cover any judgment entered against any City officer or officials or such insurance is not effective for any reason for such coverage, the City shall be bound by the provisions of this section to protect and indemnify pursuant to the provisions of this section.

(g) It shall be a precondition to the assertion of any claim for protection and indemnity under this section that any City officer or officials, after having been served with process commencing litigation against him or them, or after having received written notice of a possible claim alleged to be covered under the provisions of this section, shall promptly give notice of the pendency of such action, or the presentation of any such claim, to the City Clerk who shall in turn present such actual or potential claim to the city council, together with such city officer's or officials' request for indemnity and protection hereunder. It shall further be a precondition to coverage hereunder that a city officer or officials claiming the protection and benefits conferred by this section shall at all times, and in every way, cooperate fully with legal counsel appointed by the city to defend against any threatened or pending litigation under the provisions of subsection (e) of the section.
(Ord. No. 88-35, §§ 1--4, 8-23-88)
(Ord. No. 07-30, 09/04/07, Amended, Sec. 2-51 renumbered to Sec. 2-49) SUPP 2007-4
Sec. 2-50. Claims Management; definitions.

(a) City - The City of Peoria and all its Council Members, Mayor, appointed officers and department heads, employees, agents (when acting within the scope of their authority), boards, commissions or other City created entities.

(b) City Manager means the City Manager of the City, or his or her designee.

(c) Claim - Any demand made for the payment of money damages from the City by any person or entity, in the nature of a tort or contract claim; excluding any demand based solely on the assertion of a claim within the jurisdiction of the personnel board, a demand relating solely to payment of wages earned and employment benefits granted to all employees; a demand arising solely out of any right or claim of superior title to property, its use or transfer, a demand based on

taxes, or any solely non-monetary demand.

(d) Claim Costs- Any internal or external costs or expense incurred by the City, in response to any claim against the City, including insurance or bond policy costs, contractual services costs, legal defense costs and related consultant costs.

(e) Claims Management Program - the program administered by the Office of the City Attorney to procure insurance against claims and to pay claim costs arising out of claims based on the amounts appropriated by the City Council through the budget process.

(f) Diminution in Value Claim means a claim for just compensation, as defined in A.R.S. § 12-1136, as amended, for diminution in the fair market value of real property resulting from the enactment of a land use law that is not exempt under A.R.S. § 12-1134 (B), as amended, by the City that reduces existing rights to use, divide, sell, or possess private real property as of the date of the enactment. Such claims are permitted by A.R.S. § 12-1134, as amended.

(g) Employee Benefit Claim means a claim by an employee of the City, enrolled in an insurance benefit program provided by the City making a claim under such program for coverage of a service under the program provided by the City and for which the service is covered.

(h) Exempt land use law means a land use law that:

(1) Limit or prohibit a use or division of real property for the protection of the public's health and safety, including rules and regulations relating to fire and building codes, health and sanitation, transportation or traffic control, solid or hazardous waste, and pollution control;

(2) Limit or prohibit the use or division of real property commonly and historically recognized as a public nuisance under common law, including and land use law that prohibits unreasonable interference with the exercise of a right common to the general public;

(3) Are required by Maricopa County, Yavapai County, the State of Arizona, other political subdivisions thereof other than the City and over which the City has no legal control, or federal law;

(4) Limit or prohibit the use or division of a property for the purpose of housing sex offenders, selling illegal drugs, liquor control, or pornography, obscenity, nude or topless dancing, and other adult oriented businesses if the land use laws are consistent with the constitution of Arizona and the United States;

(5) Establish locations for utility facilities;

(6) Do not directly regulate an owner's land;

(7) Were enacted before December 5, 2006; or

(8) Any regulation affecting real property that is not a land use law.

(i) Insurance Reserve Fund- Any fund or account established by the City for the purposes of paying claims and claim costs.

(j) Land use law means any statute, rule, ordinance, resolution or law enacted by the City that regulates the use or division of land or any interest in land or that regulates accepted farming or forestry practices. Land use law specifically excludes (without limitation): administrative rules of the City not adopted by the City Council; development fees levied under the authority granted by A.R.S. § 9-463.05; approval of a preliminary and/or final plat; conditions and issuance of building, utility, fire, grading, drainage and engineering permits and site plans and minor amendments of planned zoning districts under the zoning ordinance of the city.

(k) Owner means the holder of fee title to the real property that is the subject of the claim on the date at the time that the diminution in value is alleged to have occurred. Owner does not mean persons having less than fee title ownership.

(l) SIR - Self-Insurance Retention.

(m) Worker's Compensation: means a program of self insurance to cover injuries incurred by an employee of volunteer of the City while performing in the scope of their duties and as covered under the Arizona Worker's Compensation laws.

(Code 1977, § 3-2-6)
(Ord. 95-68, 8/29/95, Renumbered to Section 2-125.)
(Ord. 95-68, 8/29/95, Enacted)
(Ord. No. 06-47, 12/11/06, Amended) SUPP 2006-4
(Ord. No. 07-30, 09/04/07, Amended, Sec. 2-52 renumbered to Sec. 2-50) SUPP 2007-4
(Ord. No. 09-15, 06/02/09, Amended, Sec. 2-50 enacted g, enacted m, amended) SUPP 2009-2

Sec. 2-51. Claims Management; demand, time limit for presentation of claim; diminution in value claims.

(a) A person having a claim against the City of Peoria for any cause of action not specifically covered under Title 12, Chapter 7, Article 2, Arizona Revised Statutes, or a Diminution in Value Claim as defined in this Chapter, shall within six (6) months after the last item of the account accrues, present to the City Clerk and the Claims Management Program in the City Attorney's Office a written itemized claim, stating specifically what the claim is for, specifying each item, the date and amount thereof and each City employee or officer that the claim is against.

(b) A person seeking to file a Diminution in Value Claim under this Chapter must be an owner or a property owner who specifically alleges that the action that is the subject matter of the claim directly regulates their property. The claim shall be filed with the City Clerk and the Claims Management Program in the City Attorney's Office.

(c) All claims shall be executed under penalty of perjury or acknowledged as being true to the best of knowledge, information and belief.

(d) A Diminution in Value Claim shall meet all the requirements of Section 12-821.01.A, Arizona Revised Statutes, as amended, and also shall include:

(1) The name(s), address(es) and telephone number(s) of all owners, and persons having any interest in the property, including but not limited to lien holders, trustees, renters, lessees, and a description of the ownership interest of each;

(2) The address, tax lot, and legal description of the real property that is the subject of the claim, together with a title report issued not more than 30 days prior to the submission of the claim that reflects the ownership interest in the property, or other documentation reflecting ownership of the entire property by the claimant(s), and the date the property was acquired;

(3) The current land use law(s) that allegedly restricts the use of the real property and allegedly causes a reduction in the fair market value of the subject property;

(4) The amount of the claim, based on the alleged reduction in value of the real property supported by an appraisal by an appraiser who is licensed or certified by the Arizona Board of Appraisal; and

(5) Copies of any leases or Covenants, Conditions and Restrictions ("CCR's") applicable to the real property.

(c) The Claims Management Program shall reject a claim unless presented within time limits specified in subsection (a) and, if applicable the requirements of subsection (b).

(d) Claims not presented within the time period provided by this section or Title 12, Chapter 7, Article 2, Arizona Revised Statutes shall be deemed waived and barred to the extent

provided by law.
State Law Reference, A.R.S. §12-820, et.seq.)
(Ord. No. 95-68, 8/29/95, Enacted)
(Ord. No. 06-47, 12/11/06, Amended) SUPP 2006-4
(Ord. No. 07-30, 09/04/07, Amended, Sec. 2-53 renumbered to Sec. 2-51) SUPP 2007-4

Sec. 2-52. Claims, Diminution in value of real property; administrative review process; referral to administrative hearing officer.

(a) The owner shall file the claim for diminution in value pursuant to Section 2-51 of this Code with the City Clerk and the City Attorney's Office within 180 days of the date that the owner knew or should have known that the claim accrued,

(b) Within 60 days of receipt of a claim, the Claims Management Program shall refer the claim to the City's administrative hearing officer for Land Use matters and exactions and issue the notice required by Section 20-22(a) or the claim shall be deemed denied by the City.

(c) The right to file an action for just compensation for diminution in value shall be tolled while the process required by this chapter and Chapter 20 of the Peoria City Code is undertaken.
(Ord. No. 07-30, 09/04/07, Enacted Sec. 2-52) SUPP 2007-4

Sec. 2-53. Claims; diminution in value of real property; private causes of action; limitations.

(a) If the City Council approves a Diminution in Value Claim and then removes or modifies the subject land use law, and such removal or modification directly regulates and causes a reduction in value of other property pursuant to A.R.S. § 12-1134, the decision of the City Council shall be presumed to constitute a fundamental government policy within the scope of Section 12-820.01, Arizona Revised Statues.

(b) Any owner of real property other than the party having filed a Diminution in Value Claim with the City who alleges that the removal or modification of a land use regulation directly regulates and causes a reduction in the value of its property shall have a cause of action in superior court to recover from the party who filed the Claim the amount of the reduction.

(c) The prevailing party in such actions shall be entitled to reasonable attorney's fees and costs at trial and upon appeal.
(Ord. No. 07-30, 09/04/07, Enacted Sec. 2-53) SUPP 2007-4

Sec. 2-54. Claims, diminution in value; effect of claim; estoppel; limitation.

(a) Payment by the City of a claim for diminution in value of real property forever

bars, with respect to the property for which the claim is made, any diminution in value claim resulting from application of the land use law for which the claim was made.

(b) A lawsuit seeking just compensation based on diminution in value shall be forever barred unless filed before expiration of the later of the following:

(1) Within three years of the effective date of a non-exempt land use law that may be applied to all properties within the City, such as a major general plan amendment or a text amendment to the Zoning Ordinance, regardless of whether the land use law has been specifically applied to a claimant's property; or

a. Within three years of the date that a non-exempt land use law specifically reduces the claimant's existing rights to use, divide, sell or possess property, and is not a land use law that may be applied to all properties within the City.

(c) The City may charge an application fee for filing and processing diminution in value claims under this Chapter in the amounts provided in Table 2-199 of this code.
(Ord. No. 07-30, 09/04/07, Enacted) SUPP 2007-4

Sec. 2-55. City Attorney; Claims Management, duties and responsibilities.

(a) The City Attorney's Office Claims Management Program shall be responsible for the fiscal and administrative management of all claims as defined in Section 2-50, including SIR claims against the City; responsibility for the management and budgeting of the Insurance reserve fund; the payment for insurance; and the payment of claim costs and related costs.
(Ord. No. 95-68, 8/29/95, Enacted)
(Ord. No. 06-47, 12/11/06, Amended) SUPP 2006-4
(Ord. No. 07-30, 09/04/07, Amended, Sec. 2-54 renumbered to Sec. 2-55) SUPP 2007-4

Sec. 2-56. City Attorney; claims management; claims payment; payment of claim costs.

(a) The Claims Management Program, acting within the parameters set by the City Attorney for determining that the City has exposure to legal liability and upon determination that the proposed expenditure of funds is reasonable may approve and pay any claim, in an amount not to exceed the sum of $5,000.00 in the aggregate for any single claim.

(b) The City Attorney may authorize the payment of claims in accordance with Section 2-77 of this code.

(c) Except as provided above, no claim or demand against the City shall be paid except upon authorization by the City Council, unless such claim or demand has been reduced to a legal judgment against the City.

(d) Upon approval by the City Attorney, the Claims Management Program shall have the authority to pay all claims costs for which the City is legally liable, subject to the charter, ordinances and other provisions of law.
(Ord. No. 95-68, 8/29/95, Enacted)
(Ord. No. 06-47, 12/11/06, Amended) SUPP 2006-4
(Ord. No. 07-30, 09/04/07, Amended, Sec. 2-55 renumbered to Sec. 2-56) SUPP 2007-4

Sec. 2-57. Claims; insurance; liability; worker's compensation; employee benefits.

The City Manager is authorized to enter into on behalf of the City any,

(a) appropriate insurance and surety bonding contracts to provide insurance against claims and risks as he/she determines to be in the best interest of the City and upon the approval of the City Attorney.

(b) appropriate insurance and surety bonding contracts to provide insurance for worker's compensation and employee benefit claims.

The approval of the City Council shall be required if such contract is in excess of fifty thousand dollars ($50,000) to execute all such contracts.
(Ord. No. 95-68, 8/29/95, Enacted)
(Ord. No. 06-47, 12/11/06, Amended) SUPP 2006-4
(Ord. No. 07-30, 09/04/07, Amended, Sec. 2-56 renumbered to Sec. 2-57) SUPP 2007-4
(Ord. No 09-15, 06/02/09, Amended, Sec. 2-57) SUPP 2009-2
Sec. 2-58. Claims; Self-Insurance; Scope; Fund.

(a) There shall be established an Insurance Reserve Fund. This fund shall be funded as part of the annual budgetary and appropriation process of the City in such amounts as to provide sufficient monies to pay all reasonably anticipated lawful SIR claims and claim costs against the City for the ensuing fiscal year.

(b) The Finance and Budget Departments shall with the approval of the Chief Financial Officer allocate insurance and Insurance Reserve Fund costs consistent with appropriate risk underwriting methodology.

(c) There shall be established a Worker's Compensation Trust Fund. This fund shall be funded as part of the annual budgetary and appropriation process of the City in such amounts to pay all reasonably anticipated lawful Worker's Compensation claims and claims cost against the City for the ensuing fiscal year.

(d) The Finance, Budget and Human Resources Departments with the approval of the Chief Financial Officer allocate Worker's Compensation and Worker's Compensation Trust costs consistent with appropriate risk underwriting methodology.

(e) There shall be established an Employee Benefits Trust Fund. In the event, the City elects to self insure for Employee Benefits, the fund shall be funded as part of the annual budgetary and appropriation process of the City in such amounts to pay all reasonably anticipated lawful Employee Benefit claims and costs against the City for the ensuing fiscal year.

(f) The Finance, Budget and Human Resources Departments with the approval of the Chief Financial Officer allocate Employee Benefits Costs and Employee Benefits Trust costs consistent with appropriate risk underwriting methodology.

(Ord. No. 95-68, 8/29/95, Enacted)
(Ord. No. 06-47, 12/11/06, Amended) SUPP 2006-4
(Ord. No. 07-30, 09/04/07, Amended, Sec. 2-57 renumbered to Sec. 2-58) SUPP 2007-4
(Ord. No. 09-15, 06/02/09, Amended, Sec. 2-58) SUPP 2009-2

Sec. 2-59. City manager; appointment; eligibility and term.

(a) The city manager shall be appointed by a majority vote of the entire council on the basis of his/her education, experience, and administrative and executive ability.

(b) No member of the council shall be eligible for appointment as city manager until two (2) years have elapsed after such council member shall have ceased to be a member of the council.

(c) The city manager shall serve at the pleasure and will of the council. The position of city manager shall be deemed unclassified and not covered under the city merit system.

(Ord. No. 91-46, 11/12/91, Enacted)
(Ord. No. 95-68, 8/29/95)
(Ord. No. 06-04, 2/21/06, Amended Renumbered from Sec. 2-61) SUPP 2006-1

Sec. 2-60. City manager; acting city manager.

(a) The city manager may designate by letter filed with the city clerk, a qualified administrative officer of the city to perform his/her duties during a temporary absence or disability by filing a letter with the city clerk.

(b) In the event of the resignation, termination, suspension without pay, demotion or

placement of the city manager on administrative leave, or the failure of the city manager to designate an acting city manager during an absence, the city council may designate by resolution a qualified administrative officer of the city as acting city manager.
(Ord. No. 91-46, 11/12/91, Enacted)
(Ord. No. 06-04, 2/21/06, Amended Renumbered from Sec. 2-64) SUPP 2006-1

Sec. 2-61. City Manager; termination; suspension; and administrative leave.

(a) The termination of the city manager shall be by a majority vote of the whole council.

(b) The city manager may be suspended without pay or placed on administrative leave by a majority vote of the whole council.
(Ord. No. 91-46, 11/12/91, Enacted)
(Ord. No. 06-04, 2/21/06, Amended, Renumbered from Sec 2-70) SUPP 2006-1

Sec. 2-62. City manager; evaluation; criteria; amendment

(a) Commencing not less than one hundred twenty days prior to the first anniversary of the service of the City Manager and then annually each year thereafter, the Council shall retain a professional executive consultant to assist with the evaluation of the City Manager. Such executive consultant services may be procured in the manner provided for other professional services under this code. In the event the council fails to retain such services within one hundred twenty days prior to the first anniversary of the service of the City Manager and then annually, the Materials Manager of the City shall without further action by the Council, issue a request for qualifications and statements of interest for such executive consultant services and a selection shall be made in the best interest of the City.

(b) The executive consultant shall meet with the City Manager and all council members to discuss the evaluation of the City Manager and shall prepare a written report containing such input. As part of the written report prepared by the executive consultant retained by the City shall be a self evaluation prepared by the City Manager and submitted to the executive consultant. The written report prepared pursuant to this subsection shall be deemed exempt from public disclosure in order to ensure a complete evaluation.

(c) The City Manager shall be evaluated on the following items.

1. Relationship with the City Council

2. Staff support to City Council

3. Relationships with City Employees

4. Leadership to the Organization

5. Productivity/Accomplishments of the Organization

6. Strategic Issue and Crisis Management

7. Customer Service and Communication with the Public

8. Innovation and Creativity

9. Financial Management of the City

10. Intergovernmental Relations

11. Personal Characteristics

At the time of each evaluation, the Council by majority vote of the entire council may add additional items upon which the City Manager shall be evaluated upon, however such items shall not become effective until the evaluation in the year following their inclusion by the Council.

(d) Upon completion of the report provided for in subsection (b) of this section, a meeting of the council shall be held with the City Manager to discuss the results of the evaluation. Such meeting shall be held in compliance with the Arizona Open Meetings Act. Should the Mayor fail to schedule such a meeting within sixty (60) days following receipt of the results of the evaluation, the City Clerk shall schedule such a meeting and provide not less than 15 days notice to the City Council and City Manager. Such meeting shall comply with the Arizona Open Meetings Act.

(e) Amendment of Section 2-62 shall require a two-thirds vote of the entire council.
(Ord. No. 91-46, 11/12/91, Enacted)
(Ord. No. 92-48, 12/8/92, Amended)
(Ord. No. 94-65, 8/30/94, Amended (b))
(Ord. No. 96-24, 5/7/96, Amended (a)(b) and (c))
(Ord. No. 98-21, 4/7/98, Amended (a)(c) and (d))
(Ord. No. 02-42, 6/7/02, Amended) SUPP 2002-2
(Ord. No. 02-44, 6/7/02, Amended) SUPP 2002-2
(Ord. No. 05-32, 6/21/05, Amended (a),(d), Enacted (e)) SUPP 2005-2
(Ord. No. 06-04, 2/21/06, Amended, Enacted a, b, c, d, e) SUPP 2006-1

Sec. 2-63. City Manager-City Council relations.

The council and its members shall deal with the administrative services of the city only through the city manager, except for the purpose of inquiry. Neither the council nor any member thereof shall give orders or instructions to any subordinates of the city manager. The city manager shall take his/her orders and instructions from the council only when sitting in a duly convened meeting of the council and no individual councilmember shall give any orders or instructions to the city manager.

Charter reference(s)--Interference in administrative service, art. II, § 20.
(Code 1977, § 3-1-6(A))
(Ord. No. 91-46, 11/12/91, Renumbered)
(Ord. No. 06-04, 2/21/06, Amended, Renumbered from Sec. 2-67) SUPP 2006-1

Sec. 2-64. City Manager; attendance at meetings of boards, commissions, etc.

The city manager may attend any and all meetings of commissions, boards or committees created by the council, as the City Manager deems appropriate or upon direction of the council. At meetings that the city manager attends, the city manager shall be heard by the commission, board or committee as to all matters upon which the city manager wishes to address the members thereof. The city manager shall inform the members thereof of the status of any matter being considered by the council. The city manager shall cooperate to the fullest extent with the members of all commissions, boards or committees appointed by the council.
(Code 1977, § 3-1-6(C))
(Ord. No. 91-46, 11/12/91, Renumbered)
(Ord. No. 06-04, 2./21/06, Amended, Renumbered from Sec. 2-69) SUPP 2006-1
Sec. 2-65. City Manager; powers and duties.[3]

(a) The city manager is the administrative head of city government under the direction and control of the Council, except as otherwise provided in this Chapter. The city manager shall be responsible for the efficient administration of all the affairs of the City which are under his/her control. In addition to his/her general powers an administrative head, and not as a limitation thereon, the city manager shall exercise the following powers and duties:

(1) Law Enforcement. To see that all franchises, contracts, permits and privileges granted by the Council are faithfully observed.

(2) Authority over Employees. To direct and supervise the deputy city manager, department directors and employees of the city under his/her jurisdiction through the deputy city managers and/or department directors.

(3) Power of Appointment and Removal.

3 **Charter reference(s)**--City manager, art. III.

(a) To appoint deputy city managers, department directors and division managers, subject to the approval of the City Council of the deputy city managers and department directors. The city manager may delegate the appointment and promotions of employees in departments under his/her supervision to the deputy city managers and/or department director.

(b) To remove and discipline department directors at his will and division managers, subject to the right of division managers to appeal. The city manager may delegate the removal and discipline of employees in departments under his supervision to the deputy city manager and/or department director, except the final approval of removal and discipline after a pre-disciplinary hearing.

(c) The city manager shall submit requests for re-title of positions, re-range of positions, reclassification of employees and salary adjustments to the personnel review committee in accordance with this chapter.

(4) Administrative Reorganization of Offices. To conduct studies and recommend to the Council such administrative reorganization of officers, positions or units under his direction as may be indicated in the interest of efficient, effective and economical conduct of the City's business.

(5) Ordinances. To recommend to the Council for adoption such measures and ordinances as he deems necessary.

(6) Attendance at Council Meetings. To attend all meetings of the Council unless they are excused from attending by the Mayor individually or the Council.

(7) Expenditure Control. To see that no expenditures shall be made by the City unless such expenditures are in accordance with the provisions of this code, administrative regulations and adopted policies.

(8) Investigations and Complaints. To make investigations into the affairs of the City and any department or division thereof; to investigate all complaints in relation to matters concerning the administration of the City government and in regard to the service maintained by public utilities in the City.

(9) Public Buildings. To exercise general authority over all public buildings, parks and other public property under the control and jurisdiction of the Council.

(10) Work Hours. To adjust the work hours and duty assignments of any and up to all employees each year beginning October 1, and ending April 1, in order to reduce the

level of carbon monoxide, ozone and particulate matter concentrations caused by vehicular travel. The City Manager shall use his best efforts to consult with employee organizations on such adjustments, but the final determination shall be solely that of the City Manager.

(11) Overtime Pay. To authorize the payment of overtime pay for such employees as may work in excess of a normal work period. Such rates of pay and periods of work shall be in conformity with wages and salaries enacted by the Council.

(12) Additional Duties. To perform such other duties and exercise such other powers not inconsistent with the laws of the State of Arizona and as may be delegated to the city manager from time to time by ordinance or resolution or other official action of the council.

(b) The city manager is authorized and empowered to delegate any of the powers granted under this section or under the city charter to a deputy city manager or department director. Such delegation shall be in writing and filed with the city clerk. Upon the change of a city manager or a delegated employee, the authority granted shall cease until it has been re-delegated by the city manager.
(Code 1977, § 3-1-5)
(Ord. No. 91-09, 2/12/91)
(Ord. No. 91-46, 11/12/91, Renumbered)
(Ord. No. 92-22, 5/26/92, Amended)
(Ord. No. 96-24, 5/7/96, Amended (a) and added (b))
(Ord. No. 98-21, 4/7/98, Amended (a))
(Ord. No. 98-28, 4/7/98, Amended)
(Ord. No. 06-04, 2/21/06, Amended, Renumbered from Sec. 2-66) SUPP 2006-1
(Ord. No. 07-41, 12/18/07, Amended) SUPP 2007-4

Sec. 2-66. City manager; Deputy city manager; duties; appointment, term.

(a) There shall be within the City government the position of deputy city manager. There shall be two deputy city managers, who shall be designated the deputy city manager for operations and community building.

(b) Each deputy city manager shall have all powers, duties and authority established under this code, or regulations adopted pursuant to the code granted to department directors. Each department director under a deputy city manager shall report to the deputy city manager and the deputy city manager shall have direct supervision and oversight over the department directors as outlined in this section. Each deputy city manager shall report to the city manager and shall be responsible for the administration of services provided by departments or divisions under them. In addition, the deputy city manager shall be responsible for such other duties and assignments as the City Manager shall assign.

(c) The deputy city manager for operations shall have direct supervision and oversight over the following city departments and divisions:

(i) Fire Department.

(ii) Information Technology Department.

(iii) Police Department.

(iv) City Clerk.

(v) Finance.

(vi) Public Works.

(vii) The deputy city manager for operations shall provide staff support to those city boards and commissions that are assigned to departments that are assigned to operations and such other boards and commissions as may be assigned by the city manager

(d) The deputy city manager for building community shall have direct supervision and oversight over the following city departments and divisions:

(i) Planning and Community Development Department.

(ii) Community Services Department.

(iii) City Engineering Department.

(iv) Economic Development Services.

(v) Office of Communications

(vi) The deputy city manager for building community shall provide staff support to those city boards and commissions that are assigned to departments and divisions that are assigned to development and community services and such other boards and commissions as may be assigned by the city manager.

(e) Each deputy city manager shall be appointed by the city manager and confirmed by the city council, and shall serve at the pleasure and will of the city manager. The position of deputy city manager shall be deemed unclassified and not covered under the city merit system.
(Ord. No. 91-46, 11/12/91, Enacted)
(Ord. No. 92-48, 12/8/92, Amended)

(Ord. No. 94-65, 8/30/94, Amended (b))
(Ord. No. 96-24, 5/7/96, Amended (a)(b) and (c))
(Ord. No. 98-21, 4/7/98, Amended (a)(c) and (d))
(Ord. No. 02-42, 6/7/02, Amended) SUPP 2002-2
(Ord. No. 02-44, 6/7/02, Amended) SUPP 2002-2
(Ord. No. 05-32, 6/21/05, Amended (a),(d), Enacted (e)) SUPP 2005-2
(Ord. No. 06-04, 2/21/06, Amended, Renumbered from Sec. 2-62) SUPP 2006-1
(Ord. No. 06-33, 09/05/06, Amended) SUPP 2006-03
(Ord. No. 09-24, 08/25/09, Amended) SUPP 2009-3

Sec. 2-67. City manager; special offices; appointments and assignments; divisions;.

(a) The city manager may appoint staff and assign staff in the office of the city manager to assist the city manager in the administration of departments supervised by the city manager.

(b) The office of the city manager shall have direct supervision and oversight over the following management positions:

(1) Assistant to the City Manager.

(2) Intergovernmental Affairs Director.

(3) Director of Human Resources Department.

(4) Director of the Department of Management and Budget.

(c) Any positions identified in Subsections (a) or (b) of this Section shall be unclassified and shall serve at the pleasure and the will of the city manager and not subject to the city merit system.
(Ord. No. 91-46, 11/12/91, Enacted)
(Ord. No. 92-48, 12/8/92, Amended)
(Ord. No. 96-24, 5/7/96, Amended (b) and (c))
(Ord. No. 98-21, 4/7/98, Amended, deleting portions of (b) and (c))
(Ord. No. 98-28, 4/7/98, Amended (b))
(Ord. No. 02-42, 6/7/02, Amended adding (4)) SUPP 2002-2
(Ord. No. 02-43, 6/7/02, Amended (1), (2), and (3)) SUPP 2002-2
(Ord. No. 05-32, 6/21/05, Amended deleting (b)(4)) SUPP 2005-2
(Ord. No. 06-04, 2/21/06, Amended deleting (b)(3), Renumbered from Sec. 2-63) SUPP 2006-1
(Ord. No. 06-24, 08/21/06, Amended (b)) SUPP 2006-3
(Ord. No. 09-24, 08/25/09, Amended (b)) SUPP 2009-3

Sec. 2-68. City manager; position classification plan.

The city manager shall promulgate a position classification plan for the office of the city manager. The plan shall establish specific positions assigned to ranges and steps within the city's pay plan. The promulgation of a position classification plan shall not create any obligation upon the city council to appropriate funds for any position within the plan.
(Ord. No. 91-46, 11/12/91, Enacted)
(Ord. No. 92-48, 12/8/92, Amended)
(Ord. No. 96-24, 5/7/96)
(Ord. No. 06-04, 02/21/06, Amended, Renumbered from Sec. 2-65) SUPP 2006-1

Sec. 2-69. City manager; city attorney; cooperation

The city attorney shall cooperate with the city manager to provide for the efficient, economic and harmonious administration of the City.
(Code 1977, § 3-1-6(B))
(Ord. No. 91-46, 11/12/91, Renumbered)
(Ord. No. 06-04, 2/21/2006, Amended, Renumbered from Sec. 2-68) SUPP 2006-1

Sec. 2-70. Reserved.

Sec. 2-71. Photo/Traffic speed monitoring devices; termination of contracts.

(a) Upon action by the mayor and council or in accordance with the terms of this chapter the city manager shall be authorized to enter into negotiations for and to take actions necessary and required to terminate all contracts involving the purchase of and or use by the city of photo/traffic speed monitoring devices consisting of camera(s) and a traffic radar (or other device) capable of measuring the speed of motor vehicles and which records such speed on a photograph of such vehicle and its operator.

(b) Upon a determination by the city manager that the continuation of a contract involving the purchase of or use of photo/traffic speed monitoring devices is no longer in the best interest of the city, the city manager shall be authorized to issue all notices required under the terms and provisions of the contract to terminate the agreement and to take any and all acts necessary and required to effectuate the termination under the terms of any contract between the city and any other party for the purchase of or use of photo/traffic speed monitoring devices.

(c) The city manager shall consult with the city attorney on the termination of any contracts pursuant to the provisions of this section.
(Code 1977, § 3-1-9)
(Ord. No. 91-46, 11/12/91, Renumbered)
(Ord. No. 92-04, 2/11/92, Enacted)
(Ord. No. 94-19, 4/19/94, Amended)

(Res. No. 90-61A, 1/2/91, Approved by Voters 3/19/91)

Sec. 2-72. Photo/Traffic speed monitoring device; notice to: action by mayor and council.

Prior to exercising the powers granted under Section 2-71, the city manager shall notify the mayor and council of his determination that the continuation of a contract involving the purchase of and or use by the city of photo/traffic speed monitoring devices consisting of camera(s) and a traffic radar (or other device) capable of measuring the speed of motor vehicles and which records such speed on a photograph of such vehicle and its operator is no longer in the best interest of the city. The mayor and council shall approve or disapprove of the action. In the event the mayor and council fail to consider the action at the next regular or special meeting, the action of the city manager shall be deemed to be approved.
(Code 1977, § 3-1-10)
(Res. No. 90-61A, 1/2/91, Approved by Voters 3/19/91)

Sec. 2-73. Photo/Traffic speed monitoring device; expenditures.

(a) Notwithstanding any other provisions of the Peoria City Code, in exercising the powers under Sections 2-71 through 2-73, the city manager may terminate any contract involving the purchase of or use of photo/traffic speed monitoring devices on such terms as he believes is in the best interest of the city.

(b) Notwithstanding any other provisions of the Peoria city code, in exercising the powers under Sections 2-71 through 2-73, the city manager may incur charges, fees, penalties, costs, reimbursements as provided by the terms of the contract required to terminate the agreement, provided that the total amount of such charges, fees, penalties, costs, reimbursements do not exceed the sum of fifty thousand($50,000.00) Dollars.

(c) The city manager shall notify the mayor and council of the costs necessary and required for the termination of any contract for purchase of or use of photo/traffic speed monitoring devices. The city manager shall submit all such costs to the mayor and council for their review and approval.
(Code 1977, § 3-1-11)
(Res. No. 90-61A, 1/2/91, Approved by Voters 3/19/91)

Sec. 2-74. Public defender contract review committee.

(a) There is established the Public Defender Contract Review Committee. The committee shall consist of three members appointed by the mayor and confirmed by the council. The members of the committee shall consist of:

(1) A member of the Maricopa County Public Defender's Office.
(2) The President of the Western Maricopa County Bar Association or a member of that association recommended by the President.
(3) One private person who shall be an active member in good standing of the State Bar of Arizona.
(4) Two private citizens who are residents of the City.

(b) All members shall serve without pay. However members may be reimbursed their actual expenses incurred in connection with their duties upon authorization or ratification by the council.

(c) Members shall be appointed in accordance with Section 2-150 of this Code, with the initial terms being staggered to meet the requirements of that section.

(d) Notwithstanding subsection (a) of this section, any member of the board may be

removed by a majority vote of the council upon motion of any member of the council.
(Ord. No. 94-19, 4/19/94, enacted)

Sec. 2-75. Public defender contract review committee; powers and duties.

The Committee shall have the following powers and duties.

(a) Review proposals for selection of public defender and alternative defender services and recommend the award of contracts to the city council.

(b) Review proposed contracts for public defender and alternative defender services and recommend the inclusion of appropriate terms and conditions in such contracts.

(c) Assist in the preparation of the annual budget for public defender services and submit the budget in the manner and method as other city budgets are submitted.

(d) Make recommendations to the council and city manager pertaining to the provisions of public defender services.

(e) Perform such other duties as may be prescribed by the Council.
(Ord. No. 94-19, 4/19/94, enacted)

Sec. 2-76. City Attorney; powers and duties.

The office of the City Attorney is established. The office of the City Attorney shall consist of two divisions, civil and criminal. The City Attorney shall perform the following duties:

(a) Act as the legal counselor and advisor of the council and other city officials, as designated by the council, on all matters relating to their official powers, duties and functions.

(b) Prepare, review and approve all contracts, deeds, documents, and instruments prior to the execution thereof by or on behalf of the City, its departments and agencies. The City Attorney shall indicate in writing his/her disapproval as to form upon any document reviewed and disapproved.

(c) Render legal opinions upon any question of law submitted by the Mayor, City Council, City Manager or his/her deputies and assistants or the heads of all departments, agencies, boards and commissions. Keep a complete record of all written opinions issued by the City Attorney.

(d) Prepare all ordinances and resolutions as requested by the Council. The City Attorney shall advise the Council as to the form and sufficiency of all ordinances or resolutions having the effect of an ordinance prior to their adoption. Prior to action on an ordinance or a resolution having the effect of an ordinance, the City Attorney shall indicate in writing any ordinance that they have disapproved and the reasons therefor.

(e) There shall be within the office of the City Attorney, a Chief Assistant City Attorney and such other attorneys and staff appointed by the City Attorney and as contained in the position classification plan promulgated by the City Manager.

(f) Operate a deferred prosecution program for adult and juvenile offenders, providing that the city attorney may defer, prior to a guilty plea or a trial, the prosecution of a person committing a crime and provide in the deferred prosecution agreement certain terms required to be satisfied by the defendant prior to the dismissal of the action.

(1) The city attorney shall adopt written guidelines for the operation of the program.

(2) The program may include as an element the performance of community service on behalf of the city.

(3) The program may include as an element referral to appropriate community organizations to provide services to the individual, with costs for such referral to be paid by the individual.

(4) The city may charge a reasonable fee as approved by council for those individuals participating in the program.

(5) The city attorney may extend a pre-filing diversion program to the parents and legal guardians of juvenile offenders under the jurisdiction of the municipal court. The program shall provide that the commencement of prosecution shall be suspended upon the completion of terms set forth in the pre-diversion agreement. The pre-diversion program may condition the suspension of prosecution upon satisfactory completion of counseling, education and any other requirements deemed appropriate and necessary by the city attorney.

(g) Prosecute in the name of the City of Peoria, Arizona or the State of Arizona, all violations of the City Charter, City Codes and statutes of the State of Arizona which are within the original or concurrent jurisdiction of the Municipal Court or have been referred to the Office of the City Attorney and any appeals from decisions therefrom.

(h) Cooperate with the Municipal Court to enforce the conditions of sentences and requirements of probation.

(i) Administer and operate a victim assistance program to protect the rights of persons defined as crime victims pursuant to Article 2.1 of the Arizona Constitution and Title 13, Chapter 40, Arizona Revised Statutes.
(Ord. No. 92-04, 2/11/92, Enacted)
(Ord. No. 94-31, 7/5/94, Amended)
(Ord. No. 94-59, 8/2/94, Amended)
(Ord. No. 95-68, 8/29/95, Amended and adding subsection (g)
(Ord. No. 06-47, 12/11/06, Amended) SUPP 2006-4

Sec. 2-77. City Attorney; claims management; litigation; special counsel.

The City Attorney shall:

(a) Be responsible for the administration and operation of the City 's Claims Management and Self Insured Retention Programs and to recommend to the City Manager and City Council the purchase of insurance to cover claims against the City.

(b) Have the power to adjust, settle, compromise or submit to arbitration or alternative dispute resolution any action, causes or action, accounts, debts, claims, demands, disputes and matters in favor of or against the City or in which the City is concerned as a debtor or creditor, now existing or which may hereafter arise, not involving or requiring payment to exceed Twenty Five Thousand Dollars ($25,000.00) and with the approval of the City Manager may do likewise in matters not involving or requiring payment to exceed Fifty Thousand ($50,000.00) Dollars, provided that the Council has appropriated money to settle such claims and the Chief Financial Officer of the City determines such funds are available.

(c) Have the power to use and implement binding or non-binding alternative dispute resolution methods involving any claims; the payment for insurance and the payment of claim costs and related costs, including but not limited to all claims arising out of the operation of the City's Worker's Compensation and Employee Benefit programs.

(d) Have the responsibility for management of all legal actions against the City and shall further have the responsibility for the determination of the legal liability of the City with respect to any claim, including but not limited to all claims arising out of the operation of the City's Worker's Compensation and Employee Benefit program.

(e) Prosecute, defend and provide legal representation in all civil suits, causes, actions and proceedings where the City or any officer or employee acting in his official capacity and within the scope of their employment is a party or may become interested. The City Attorney may with the consent of the City Manager and providing that the Council has appropriated sufficient funds employ outside counsel when in the City Attorney's discretion, the best interest of the City so require. Such outside council shall operate under the supervision of the City Attorney.

(f) Periodically report to the Council any decision or outcome of any litigation or proceeding in which the City has an interest. Such reports are deemed a public record exempt from public disclosure to preserve attorney-client privileges unless the Council has formally waived such privilege.

(g) Conduct and prosecute appeals from orders, decisions or judgments of the municipal and justice courts affecting any interest of the City as the City Attorney may, in the exercise of discretion determine to be necessary or desirable and/or upon direction by the Council, conduct, participate in and prosecute appeals from orders, decisions or judgments of any Court of Record in this State or any Court of the United States.

(Ord. No. 92-04, 2/11/92)
(Ord. No. 94-19, 4/19/94)
(Ord. No. 97-34, 7/15/97)
(Ord. No. 06-47, 12/11/06, Enacted) SUPP 2006-4
(Ord. No. 09-15, 06/02/09, Amended) SUPP 2009-2

Sec. 2-78. City Attorney; Presiding Municipal Judge; Evaluation

(a) The Mayor shall appoint not less than three (3) members of the Council to a subcommittee for the evaluation of the City Attorney and Presiding Municipal Judge.

(b) Prior to June 1, of each year, the City Attorney and Presiding Municipal Judge shall

submit an outline of their goals and objectives, together with an evaluation covering such items as directed by the subcommittee. The written evaluation prepared pursuant to this subsection shall be deemed exempt from public disclosure in order to ensure a complete evaluation.

(c) At the time of each evaluation, the City Council Subcommittee by majority vote may add additional items upon which the City Attorney and/or Presiding Municipal Judge shall be evaluated, however such items shall not become effective until the evaluation in the year following their inclusion by the Subcommittee.

(d) Within thirty (30) days following the submission of the goals and objectives and written evaluation by the City Attorney and/or Presiding Municipal Judge, a meeting of the city council subcommittee shall be held with the City Attorney and/or Presiding Municipal Judge to

discuss the results of the evaluation. Such meeting shall be held in compliance with the Arizona Open Meetings Act.

(e) Amendment of Section 2-78 shall require a two-thirds vote of the entire council.
(Ord. No. 06-47, 12/11/06, Enacted) SUPP 2006-4

Sec. 2-79. Department of the City Clerk; establishment; functions; position classification plan.

(a) There shall be a Department of the City Clerk. The Director of the Department of the City Clerk shall be appointed by the City Manager and confirmed by the City Council. The position shall be an unclassified position and shall serve at the pleasure and the will of the City Manager and not subject to the City merit system.

(b) The City Clerk shall serve as Clerk to the City Council, keep the corporate seal, attest signatures, file and record Council actions and official documents of the City, serve as the Chief Elections Officer of the City, serve as the Chief Records Management Officer of the City and direct and supervise the Records Management program of the City and perform such other duties as may be assigned by the City Manager.

(c) The City Manager shall promulgate a position classification plan for the Department of the City Clerk. The plan shall establish specific positions assigned to the ranges and steps within the City's pay plan. The promulgation of a position classification plan shall not create any obligation upon the City Council to appropriate funds for any position within the plan.
(Ord. No. 97-34, 7/15/97, enacted)
(Ord. No. 09-25, 08/25/09, Amended) SUPP 2009-3

Sec. 2-80. City Clerk; Elections

For purposes of this Code, in City primary, general, special and special purpose elections, the duties devolving upon the Secretary of State in state elections shall devolve upon the City Clerk and the duties prescribed in this Chapter and Titles 16 and 19, Arizona Revised Statutes, shall devolve upon the City Clerk.

State Law Reference: A.R.S.§ 16-400, et. seq. §16-403, §19-101, et. seq.
(Ord. No. 97-34, 7/15/97, enacted)
(Ord. No. 06-47, 12/11/06, Amended, Renumbered 2-79 to 2-80) SUPP 2006-4

Sec. 2-81. City Clerk; Records and Information Management.

(a) The Director of the Department of the City Clerk or designee shall administer the Records Management Program for the City. The program shall encompass such areas of records management to preserve and keep in order all books, papers, documents, records and files of the City Council, charter officers and departments to achieve the following goals:

(1) Release space and reduce the need for storage and filing equipment.

(2) Establish an efficient records and information retrieval operation for both active and inactive municipal records.

(3) Establish procedures for the purchase and acquisition of records and information equipment used for the keeping of data and records to ensure conformity with the requirements of the state.

(4) Maintain security over municipal records.

(5) Development of a retention and disposition schedule for municipal records.

(6) Operate a municipal records center to store and preserve active and inactive records prior to disposition.

(b) The Director of the Department of the City Clerk, or designee shall exercise all powers and duties granted to the head of a local agency by the Arizona Department of Library, Archives and Public Records.

(c) All public records created by the City are the exclusive property of the City. No City official or employee may obtain a proprietary right to such records.

(d) It shall be unlawful to destroy, remove or dispose of any public record except in the manner provided by law and approved by the City Clerk or their designee.

(e) The City Clerk in the manner provided for in this code may implement regulations to govern the keeping and disposition of public records of the City.

State Law Reference A.R.S. § 41-1346.

(Ord. No. 97-34, 7/15/97, enacted)
(Ord. No. 06-47, 12/11/06, Amended, Renumbered 2-80 to 2-81) SUPP 2006-4

Sec. 2-82. Finance Department; establishment.

(a) There shall be a Finance Department. The Director of the Finance Department shall be appointed by the City Manager, and confirmed by the City Council. The position shall be an unclassified position and shall serve at the pleasure and will of the City Manager and not subject to the City merit system.

(b) The Finance Department shall consist of four (4) divisions: Financial Services; Materials Management; Revenue Management; and Treasury.

(c) The Finance Director shall be the Chief Financial Officer for the City.

(Ord. No. 91-44, 11/12/91, Enacted)
(Ord. No. 92-47, 12/8/92, Amended)
(Ord. No. 96-11, 2/6/96, Amended (b))
(Ord. No. 98-26, 4/7/98, Amended (b))
(Ord. No. 01-169, 11/6/01, Amended) SUPP 2001-4
(Ord. No. 02-42, 6/7/02, Amended) SUPP 2002-2
(Ord. No. 05-31, 6/21/05, Amended) SUPP 2005-2
(Ord. No. 06-33, 09/05/06, Amended) SUPP 2006-03
(Ord. No. 06-47, 12/11/06, Amended, Renumbered 2-81 to 2-82) SUPP 2006-4

Sec. 2-83. Finance Department; deputy director; division managers.

(a) The Chief Financial Officer with the concurrence of the City Manager may appoint a Deputy Director for the Finance Department.

(b) Each division within the Finance Department may be headed by a Division Manager. Each division manager shall be a classified position subject to the City merit system.

(Ord. No. 91-44, 11/12/91, Enacted)
(Ord. No. 96-10, 2/6/96, Amended)
(Ord. No. 01-169, 11/6/01, Amended) SUPP 2001-4
(Ord. No. 02-42, 6/7/02, Amended) SUPP 2002-2
(Ord. No. 06-47, 12/11/06, Amended, Renumbered 2-82 to 2-83) SUPP 2006-4

Sec. 2-84. Finance Department; position classification plan.

The City Manager shall promulgate a position classification plan for the Finance Department. The plan shall establish specific positions assigned to ranges and steps within the City's pay plan. The promulgation of a position classification plan shall not create any obligation upon the City Council to appropriate funds for any position with the plan.
(Ord. No. 91-44, 11/12/91, Enacted)
(Ord. No. 02-42, 6/7/02, Amended) SUPP 2002-2

Sec. 2-85. Finance; worker's compensation and employee benefits trust.

(a) The City shall designate a risk management consultant or insurance administrator licensed pursuant to title 20, chapter 2, Arizona Revised Statutes.

(b) There shall be an Employee Benefits Trust Board, which shall serve as trustees for the City's Employee Benefit Trust, if any and the Worker's Compensation Trust Fund. The Employee Benefits Trust Board shall consist of five (5) trustees, not withstanding any other provision of this code, no more than one may be an employee of the City. The City's Human Resources Director or their designee shall be an ex-officio member of the Employee Benefits Trust Board..

(c) The trustees of the Employee's Benefit Trust Board trust must be bonded. The Board shall provide for an annual audit to be performed by an external auditor and a copy of the report kept on file in the Department of the City Clerk.

(a) The trustees of the Employee's Benefit Trust Board shall not make any expenditure from the trust fund for any purpose not specified in this code.

(b) Expenditures during the fiscal year from the trust fund and monies in the trust fund at the close of the fiscal year shall not be subject to the provisions of title 42, chapter 17, article 3, Arizona Revised Statutes.
(Ord. No. 91-44, 11/12/91, Renumbered)
(Ord. No. 91-45, 11/12/91, Amended)
(Ord. 01-169, 11/6/01, Renumbered) SUPP 2001-4
(Ord. No. 09-15, 06/02/09, Enacted) SUPP 2009-2

Sec. 2-86. Information Technology Department; establishment

(a) There shall be a Department of Information Technology. The Director of the Department of Information Technology shall be appointed by the City Manager, and confirmed by the City Council. The position shall be an unclassified position and shall serve at the pleasure

and will of the City Manager and not subject to the City merit system.

(b) The Director of Information Technology shall serve as the Chief Technology Officer for the City.
(Ord. No. 01-169, 11/6/01, Enacted) SUPP 2001-4
(Ord. No. 09-26, 8/25/09, Amended) SUPP 2009-3

Sec. 2-87. Reserved.
(Ord. No. 01-169, 11/6/01, Enacted) SUPP 2001-4
(Ord. No. 09-26, 8/25/09, Repealed) SUPP 2009-3

Sec. 2-88. Information Technology Department; position classification plan.

The City Manager shall promulgate a position classification plan for the Department of Information Technology. The plan shall establish specific positions assigned to ranges and steps within the City's pay plan. The promulgation of a position classification plan shall not create any obligation upon the City Council to appropriate funds for any position with the plan.
(Ord. No. 01-169, 11/6/01, Enacted) SUPP 2001-4

Sec. 2-89. Reserved
(Ord. No. 02-43, 6/7/02, Enacted) SUPP 2002-2
(Ord. No. 05-33, 6/21/05, Amended) SUPP 2005-02
(Ord. No. 06-24, 08/21/06, Amended) SUPP 2006-3
(Ord. No. 09-24, 08/25/09, Repealed) SUPP 2009-3

Sec. 2-90. Reserved.
(Ord. No. 02-43, 6/7/02, Enacted) SUPP 2002-2
(Ord. No. 09-24, 08/25/09, Repealed) SUPP 2009-3

Sec. 2-91. Reserved.
(Ord. No. 02-43, 6/7/02, Enacted) SUPP 2002-2
(Ord. No. 09-24, , Repealed) SUPP 2009-3
Secs. 2-92 – 2-100. Reserved
(Ord. No. 01-169, 11/6/01, Amended) SUPP 2001-4
(Ord. No. 02-43, 6/7/02, Amended) SUPP 2002-2
(Ord. No. 09-24, 08/25/09, Repealed) SUPP 2009-3

Sec. 2-101. Economic Development Advisory Board; members; powers and duties.

(a) The Economic Development Advisory Board shall be composed of a total of seven (7) regular members, and one alternate member. All members of the Board shall be appointed by the Mayor with the approval of the Council in accordance with the provisions of this code. The members of the Board shall consist of:

(1) Four members who shall be employed in any of the following occupations.

a. Public or private education, elementary, secondary and higher education.
b. Licensed or registered professions of this state.
c. Federally or state chartered lending institutions.
d. Business advocacy organizations
e. Public Service Corporations or Telecommunications
f. Real Estate Development
g. Private Sector Corporation management

(2) Three members plus one alternate member who are private citizens of this state.

(3) The Economic Development Director of the City shall be a non-voting member

(b) All members shall serve without pay. However members may be reimbursed their actual expenses incurred in connection with their duties upon approval of the City Manager or his designee.

(c) Members shall be appointed in accordance with Section 2-150 of this Code, with the initial terms being staggered to meet the requirements of that section.

(d) Members of the Board appointed as alternates shall be able to participate in all Board proceedings, but shall not be able to vote, except in accordance with the provisions of this section. Upon a determination by the Chairman that a regular member(s) of the Board is disqualified from participating in a matter or the Board is lacking a quorum, the Chairman shall designate the alternate member present to sit in place of the absent or disqualified regular member(s). The designated alternate member(s) shall exercise all powers and duties granted to a regular member during the meeting that they are so designated, except to be nominated to the position of chairman or vice chairman. In the event a matter before the Board during which an alternate member is designated is continued to a subsequent meeting, the alternate member shall participate in all subsequent proceedings involving the matter.

(e) Alternate Board members shall not automatically succeed to the seat of a vacant board member, unless appointed by the Mayor with the approval of the council in the manner provided by this code.

(f) The Economic Development Advisory Board shall make recommendations to the Mayor and Council on Economic Development issues, including but not limited to:

(1) Economic Development element of the City's General Plan

(2) Recommendations on Economic Development Related Projects

(3) Strategies and Plans for promoting economic development in the City.
(Ord. No. 91-45, 11/12/91, Enacted)
(Ord. No. 95-32, 5/23/95, Amended (b))
(Ord. No. 96-17, 4/2/96, Repealed)
(Ord. No. 02-54, 6/18/02, Enacted) SUPP 2002-2
(Ord. No. 04-182, 7/6/04, amended) SUPP 2004-3
(Ord. No. 04-193, 9/14/04, amended) SUPP 2004-3
(Ord. No. 09-36, 09/15/09, amended) SUPP 2009-3

Sec. 2-102. Economic Development Services Department; establishment.

(a) There shall be an Economic Development Services Department. The Director of the Economic Development Department shall be appointed by the City Manager, and confirmed by the City Council. The position shall be an unclassified position and shall serve at the pleasure and will of the City Manager and not subject to the City merit system.

(b) The Department of Economic Development Services shall consist of three divisions, Economic Development, Building Safety, and Engineering.
(Ord. No. 91-45, 11/12/91, Enacted)
(Ord. No. 96-17, 4/2/96, Repealed)
(Ord. No. 05-31, 6/21/05, Enacted) SUPP 2005-2
(Ord. No. 09-27, 08/25/09, Repealed and Enacted) SUPP 2009-3

Sec. 2-103. Economic Development Services Department; division designation.

Each division within the Economic Development Services Department shall be headed by a position designated by the Director of the Economic Services Development Department.
(Ord. No. 91-45, 11/12/91, Enacted)
(Ord. No. 95-32, 5/23/95, Amended)
(Ord. No. 96-17, 4/2/96, Repealed)
(Ord. No. 05-31, 6/21/05, Enacted) SUPP 2005-2
(Ord. No. 09/27, 08/25/09, Repealed and Enacted) SUPP 2009-3

Sec. 2-104. Economic Development Services Department; position classification plan.

The City Manager shall promulgate a position classification plan for the Economic Development Services Department. The plan shall establish specific positions assigned to ranges and steps within the City's pay plan. The promulgation of a position classification plan shall not create any obligation upon the City Council to appropriate funds for any position with the plan.
(Ord. No. 91-45, 11/12/91, Enacted)
(Ord. No. 96-17, 4/2/96, Repealed)
(Ord. 05-31, 6/21/05, Enacted) SUPP 2005-2
(Ord. No. 09-27, 08/25/09, Repealed and Enacted) SUPP 2009-3
Sec. 2-105. Public Works Department; establishment; divisions.

(a) There shall be a Department of Public Works. The Director of the Department of Public Works shall be appointed by the City Manager, and confirmed by the City Council. The position shall be an unclassified position and shall serve at the pleasure and will of the City Manager and not subject to the City merit system.

(b) The Department of Public Works shall consist of nine divisions, Operations, Solid Waste, Facilities, Transit, Fleet Management, Environmental, Water Resources, Utility Field Operations, and Utility Plant Operations.
(Ord. No. 94-65, 8/30/94, Enacted)
(Ord. No. 96-17, 4/2/96, Repealed)
(Ord. No. 09-28, 08/25/09, Enacted) SUPP 2009-3

Sec. 2-106. Public Works Department; division designation.

Each division within the Public Works Department shall be headed by a position designated by the Director of the Public Works Department.
(Ord. No. 94-65, 8/30/94, enacted)
(Ord. No. 96-17, 4/2/96, Repealed)
(Ord. No. 09-28, 08/25/09, Enacted) SUPP 2009-3

Sec. 2-107. Public Works Department; position classification plan.

The City Manager shall promulgate a position classification plan for the Public Works Department. The plan shall establish specific positions assigned to ranges and steps within the City's pay plan. The promulgation of a position classification plan shall not create any obligation upon the City Council to appropriate funds for any position with the plan.
(Ord. No. 94-65, 8/30/94, enacted)
(Ord. No. 96-17, 4/2/96, Repealed)
(Ord. No. 09-28, 08/25/09, Enacted) SUPP 2009-3

Secs. 2-108. through 2-120 Reserved.
(Ord. No. 91-45, 11/12/91, Enacted)
(Ord. No. 94-65, 8/30/94)
(Ord. No. 95-68, 8/29/95)

Sec. 2-121 Historic Preservation Commission, members.

(a) The Historic Preservation Commission shall consist of seven (7) members. All members shall be appointed by the Mayor with the approval of the Council in accordance with the provisions of this code.

(b) All members shall have a known interest in historic preservation, planning or architectural development within the City of Peoria. At least two members shall have a professional background in the areas of architecture, history, architectural history, planning or archeology. For the two members who have a professional background in the areas of architecture, history, architectural history, planning or archeology, notwithstanding any other provision of this code, such members need not be residents of the City of Peoria, Arizona.

(c) Permit board members to be reimbursed their actual expenses incurred in connection with their duties upon authorization or ratification by the Council or in accordance with adopted administrative procedures of the City pertaining to official travel.

(Ord. No. 02-59, 6/18/02, Enacted as Sec. 20-31) SUPP 2002-2
(Ord. No. 02-72, 8/20/02, Renumbered from Sec. 20-31, Amended) SUPP 2002-3
(Ord. No. 02-97, 12/10/02, Amended) SUPP 2002-4

Sec. 2-122 Historic Preservation Commission, officers.

The Historic Preservation Commissions shall elect a chairman and a vice-chairman from among its own members, each of whom shall serve for one (1) year and until his successor is elected and qualified. The chairman shall preside at all meetings and exercise all the usual rights, duties and prerogatives of the head of a similar organization. The vice-chairman shall perform the duties of the chairman in the absence or disability of the chairman. Officer vacancies created by any cause shall be filled for the unexpired term by a new election.

(Ord. No. 02-59, 6/18/02, Enacted as Sec. 20-32) SUPP 2002-2
(Ord. No. 02-72, 8/20/02, Renumbered from Sec. 20-32, Amended) SUPP 2002-3

Sec. 2-123 Historic Preservation Commission; meetings.

(a) The Historic Preservation Commission shall provide in its rules for such meetings as necessary.

(b) Four (4) members shall constitute a quorum. The Historic Preservation Commission shall provide in its rules for voting methods and procedures.

(Ord. No. 02-59, 6/18/02, Enacted as Sec. 20-33) SUPP 2002-2

(Ord. No. 02-72, 8/20/02, Renumbered from Sec. 20-33, Amended) SUPP 2002-3
(Ord. No. 02-97, 12/10/02, Amended) SUPP 2002-4

Sec. 2-124 Historic Preservation Commission; powers and duties.

(a) It shall be the duty of the Historic Preservation Commission to:

(1) Review criteria for the identification of significant historic, architectural, and cultural landmarks and for the delineation of historic district.

(2) Review existing surveys of significant historic, architectural, and cultural landmarks and historic districts within the City and periodically update the survey.

(3) Recommend to the City Council the designation of identified structures, sites or resources as landmarks and historic districts.

(4) Recommend to the City Council acceptance of the donation or other method of acquisition of facade easements, development rights or other interests in real property as necessary to carry out the purposes of this ordinance.

(5) Increase public awareness of the value of historic, cultural and architectural preservation.

(6) Make recommendations to the City Council concerning the utilization of state, federal or private funds to promote the preservation of landmarks and historic districts within the City.

(7) Approve or disapprove of applications for Certificate or Appropriateness and Finding of Hardship pursuant to Section 14-38-5 and Sec. 14-38-8 of the Peoria City Code (1977 edition).

(8) Promulgate bylaws, guidelines and rules of procedure as approved by the Council.

(b) The Historic Preservation Commission may recommend a uniform schedule of fees for services. Such fees shall be adopted by ordinance.
(Ord. No. 02-59, 6/18/02, Enacted as Sec. 20-34) SUPP 2002-2
(Ord. No. 02-72, 8/20/02, Renumbered from Sec. 20-34, Amended) SUPP 2002-3

Sec. 2-125. City Historian.

The position of City Historian is established. The City Manager may designate one or more City employees to perform the duties of this position without additional compensation. It shall be

the duty of the City Historian to accumulate, preserve and exhibit the antiquities of the City.
(Code 1992, formerly numbered as §2-52)
(Code 1977, § 3-2-6)
(Ord No. 95-68, 8/29/95, Amended and Renumbered §2-52)

Sec. 2-126. Arts Commission; definitions.[4]

The following words, terms and phrases, when used in sections 2-126 through 2-130 of this code, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Capital improvement project means any capital project paid for wholly or in part by the city to design, engineering and related costs, together with construction or substantially remodel any building, structure, park, utility, street, sidewalk, parking facility, bridge or utility undertaking, including water production and storage facilities and wastewater treatment and reclamation and drainage facilities or any portion thereof, within the limits of the city.

Eligible fund means a source of funds for capital improvement projects from which City expenditures for public art is not prohibited as an object of expenditure.

Public Art means the creation, installation, display and preservation of works of art, performing arts and the design, engineering and construction of facilities to be used in whole or in part for the exhibition of works of art and the performing arts.

Cross reference(s)--Definitions and rules of construction generally, § 1-2.
(Code 1977, § 3-2-8(H))
(Ord. No. 99-100, 9/21/99, Amended) SUPP 1999-3
(Ord. 01-153, 8/21/01, Amended) SUPP 2001-03

Sec. 2-127. Arts commission; establishment; powers and duties.

(a) A Peoria Arts Commission is established to consist of seven (7) members. For those members who are appointed in 1998, the total number of seats shall be reduced by one. For each succeeding year after 1998, the total number of members subject to appointment shall be reduced by one, until the total membership of the commission is seven members, thereafter the members shall be appointed in accordance with Section 2-150 of this code. The members of the commission shall be selected and appointed by the Mayor with the approval of the Council. The Mayor shall appoint a member of the City Council to serve as an ex officio member of the commission without voting rights.

(b) The Peoria Arts Commission shall have the following purposes and goals:

4 **Charter reference(s)**--Finance and taxation, art. VI, §1.; **Cross reference(s)**--Licenses, taxation and miscellaneous business regulations, Ch. 11.

(1) To protect, enhance, serve and advocate excellence in the arts and related facilities for the people of Peoria in their city.

(2) To set priorities for and plan development of arts activities in Peoria and may cooperate with other public and private agencies in performing its duties.

(3) To raise the level of awareness and involvement of all citizens in the preservation, expansion and enjoyment of the arts in Peoria.

(4) To enhance the natural beauty of Peoria, its cultural and artistic diversity and to encourage the proliferation of the arts in all facets of the public and private sectors.

(5) To establish and carry out, as permitted by law, the policy of inclusion of art in public services of the City and the development of facilities to provide for the exhibition and display of the arts.

(c) The Peoria Arts Commission shall have the power and duty to implement recommendations adopted by the City Council including, but not limited to:

(1) Recommend to the City Council proposals for the development of public art and related facilities.

(2) Coordinate with the private sector and other governmental agencies in promoting arts excellence as a tool for the encouragement of economic development, business relocation and tourism.

(3) Organize and promote activities in coordination with other activities which celebrate the City and its unique cultural diversity.

(4) Review and recommend use of allocated and budgeted funds for arts funding. Subject to the City Charter and the provisions of this Code and assist in recommending to the City Council the development of public facilities to be sued for the performing and visual arts.

(5) Recommend to the City Council where works of public art should be placed.

(6) Apply for and accept gifts, grants, funds, contributions and bequests in furtherance of the purposes of this Section, from individuals, public and private entities, agencies, foundations, trusts, corporations, and other organizations or institutions. The City shall account for all proceeds received in a manner consistent with generally accepted accounting principles.

(d) The Peoria Arts Commission shall:

(1) Consultation and discussion with Mayor and Council on Arts capital improvement projects, budgets and schedules.

(2) Recommend the selection and commissioning of artists with respect to the design, execution, and placement of works of art for which appropriations have been made

(3) Advise the appropriate City departments through the City Manager concerning maintenance requirements of works of art, and recommend to the responsible department the type, frequency and extent of maintenance required to preserve the quality and value of such works. Any proposed work of art which is demonstrated by an appropriate City department head or the Peoria Arts Commission to require extraordinary operations or maintenance expense, shall be reviewed with the City Manager and approved by the City Council.

(4) Recommend to the City Council payment for the design, execution and placement of works of art, within the appropriations in connection with specific projects or from designated appropriations to the Municipal Art Fund.

(5) Establish guidelines for accepting, selecting, purchasing, commissioning, placing, and maintaining City art acquisitions, gifts or temporary use and placement of loaned art.

(6) To recommend to the City Council the use of Public Arts Funds for the design, engineering, construction and operation of facilities owned by the City in whole or in part for the performing arts.

(7) In addition, the Peoria Arts Commission shall have such other powers and duties as directed by the City Council.

(e) Percent for arts funding.

(1) All Capital Improvement Projects as defined in Section 2-126 shall include an amount equal to one percent (1%) of the projected cost at the time the project is included within the City's Capital Improvements Program. For the budget year that the Council appropriates funding for the Capital Improvement Project and that the

Capital Improvements Project is instituted, the one percent shall be deposited in the Municipal Arts Fund.

(2) Money collected in the Municipal Arts Fund shall be budgeted and expended in the

same manner as other City revenues and used for projects pursuant to sections 2-126 through 2-130 of this code. Such expenditures may include the payment of debt service or lease obligations to construct permanent facilities for the display of and performing of arts. Funds unexpended may be re-budgeted in subsequent years in accordance with the City's budget processes. Such funds shall be treated as capital funds for the purpose of section 1-181 of this code.

(f) Funds received as donations shall be accounted for in accordance with the City's financial policies and procedures and all expenditures in excess of five thousand dollars ($5,000.00) shall be approved by the city council. All expenditures shall follow the city's procurement policies and procedures.

(g) Works of art under this chapter shall be recommended for placement by the arts commission outside public buildings and in lobbies and parks. The city manager may direct placement of art inside public buildings in locations designed to appropriately display the works of art.

(h) Any works of art or other personal property coming into possession of the Arts Commission shall be subject to the control of the City of Peoria. All donated works of art or other personal property shall be placed in accordance with subsection (g).

(i) The city manager may designate a department or staff member of the city to furnish support to the Commission, as requested or required. Such support may but not be limited to consist of the following:

(1) Provide secretarial assistance to include the organization of and taking of minutes.

(2) Prepare, post, and publish, when required, all notices and agendas.

(3) To assist in the preparation of agendas and research, obtain and furnish information in support of an explanation of agenda items.

(4) To assist in the preparation of budgets and financial reports.

(5) To assist and coordinate the implementation of Commission sponsored events.

State Law Reference. A.R.S. §38-431., et.seq.
Charter reference(s)--Appointed boards, art. V.
(Code 1977, § 3-2-8(A)--(C))
(Ord. No. 90-61, 12/11/90)
(Ord. No. 91-06, 1/22/91)
(Ord. No. 93-07, 1/19/93, Amended)

(Ord. No. 98-12, 2/17/98, Amended (a))
(Ord. No. 99-100, 9/21/99, Amended, amending (c), (d), (e) and (f) deleting (h) and (k)) SUPP 1999-3
(Ord. No. 01-153, 8/21/01, Amended, amending (e)(1)) SUPP 2001-03

Sec. 2-128. Arts; municipal arts fund.

There is established in the city a special fund designated the municipal arts fund into which funds appropriated as contemplated by sections 2-126 through 2-130 of this code shall be deposited. Each disbursement from such fund or from other appropriations for works of art or for design, engineering and construction costs or facilities for the display and exhibition of art shall be recommended by the arts commission and authorized in accordance with this code and the City's budget.
(Code 1977, § 3-2-8(G))
(Ord. No. 99-100, 9/21/99, Amended) SUPP 1999-3
(Ord. 01-153, 8/21/01, Amended) SUPP 2001-03

Sec. 2-129. Arts; municipal construction projects; public art required.

(a) All capital improvement projects submitted for inclusion in the City's capital improvements program, as defined in section 2-126 of this code shall include an amount equal to one (1) percent of the project cost of such capital improvement project for public art. Such appropriations shall be amended as necessary by the City to reflect actual project cost.

(b) Money collected in the municipal arts fund shall be appropriated for projects as prescribed by sections 2-126 through 2-130 of this code.
(Code 1977, § 3-2-8(D), (E))
(Ord. No. 99-100, 9/21/99, Amended, amending (a) and (b),deleting (c)) SUPP 1999-3
(Ord. 01-153, 8/21/01, Amended) SUPP 2001-03

Sec. 2-130. Arts; placement of works of art.

Works of art selected and implemented pursuant to the provisions of sections 2-126 through 2-130 of this code, may be placed in, on or about any municipal construction project of other municipally owned, leased or rented property. They may be attached or detached within or about such property, and may be either temporary or permanent. Placement of works of art shall be authorized by the arts commission and approved by the City Manager. The city officers responsible for the design and construction of such projects shall make appropriate space available for the placement of works of art.
(Code 1977, § 3-2-8(F))
(Ord. No. 99-100, 9/21/99, Amended) SUPP 1999-3

Sec. 2-131. Sister Cities Board; establishment; powers and duties.

(a) A Sister Cities Board is established to consist of seven (7) members. The members shall be appointed in accordance with Section 2-150 of this code. The members of the board shall be selected and appointed by the Mayor with the approval of the Council.

(b) The Sister Cities Board shall have the following purposes and goals:

(1) Develop and promote municipal partnerships between the City of Peoria and other similar jurisdictions in other nations.

(2) Provide opportunities for City officials and citizens of Peoria to experience and explore other cultures through long-term community partnerships.

(3) Create an atmosphere in which economic and community development between Peoria and other similar jurisdictions can be implemented and strengthened.

(4) Stimulate environments through which communities will creatively learn, work and solve problems through reciprocal cultural, educational, municipal, business, professional and technical exchanges and projects.

(5) Collaborate with organizations in the United States and other countries that share similar goals.

(c) The Sister Cities Board shall:

(1) Recommend the selection of cities to the City Council for the development of municipal partnerships.

(2) Recommend to the City Council events, opportunities, programs and projects to develop a community partnership with designated sister cities and to provide a forum for citizens to experience such community partnerships.

(3) Recommend to the City Council guidelines for reciprocal cultural, educational, municipal, business, professional and technical exchanges and projects with designated sister cities.

(4) Recommend to the City Council agreements with other governmental and non-governmental organizations to collaborate on promoting cultural understanding and stimulating economic development..

(5) In addition, the Sister Cities Board shall have such other powers and duties as

directed by the City Council.

(d) The City Council may budget such funds as it deems appropriate for the activities of the Sister Cities Board through the annual appropriations process. Funds received as donations shall be accounted for in accordance with the City's financial policies and procedures and all expenditures in excess of ten thousand dollars ($10,000.00) shall be approved by the City Manager. All expenditures shall follow the city's procurement policies and procedures..

(e) The city manager may designate a department or staff member of the city to furnish support to the Board, as requested or required.
(Ord. No. 06-30, 09/05/06, Enacted) SUPP 2006-3

Sec. 2-132. Sister Cities Board; qualifications

Notwithstanding Section 2-132 of this Code, members of the Sister Cities Board are not required to be residents of the City.
(Ord. No. 06-30, 09/05/06, Enacted) SUPP 2006-3

2-134. Reserved.
(Ord. No. 90-61, 12/11/90)
(Ord. No. 06-30, 09/05/06, Enacted) SUPP 2006-3

Sec. 2-135. Veterans Memorial Board; establishment; powers and duties.

(a) A Veterans Memorial Board is established to consist of seven (7) members. The members shall be appointed in accordance with Section 2-150 of this code. The members of the board shall be selected and appointed by the Mayor with the approval of the Council.

(b) The Veterans Memorial Board shall have the following purposes and goals:

(1) Develop and promote recognition of veterans of the armed forces of the United States and their contributions to the community.

(2) Provide opportunities for City officials and citizens of Peoria to organize activities and events including the Veterans Memorial to remind the community of sacrifices made by Veterans and members of the armed forces.

(3) Cooperate with other communities as requested by the Council to develop activities and events recognizing the contributions of veterans of the armed forces.

(c) The Veterans Memorial Board shall:

(1) Recommend activities and events to the City to focus on the contributions of veterans of the armed forces to the community.

(2) Recommend programs focused on the Veterans Memorial to recognize the contributions of veterans and current members of the armed forces of the United States.

(3) Recommend to the City Council agreements with other governmental and non-governmental organizations to collaborate on promoting understanding of the needs and services of veterans of the armed forces to the community.

(4) In addition, the Veterans Memorial Board shall have such other powers and duties as directed by the City Council.

(d) The City Council may budget such funds as it deems appropriate for the activities of the Veteran's Memorial Board through the annual appropriations process. Funds received as donations shall be accounted for in accordance with the City's financial policies and procedures and all expenditures in excess of ten thousand dollars ($10,000.00) shall be approved by the City Manager. All expenditures shall follow the City's procurement policies and procedures.

(e) The City Manager may designate a department or staff member of the City to furnish support to the Board, as requested or required.
(Ord. No. 06-31, 09/05/06, Enacted) SUPP 2006-03

Sec. 2-136. Veteran's Memorial Board; qualifications

Notwithstanding Section 2-156 of this code, members of the Veteran's Memorial Board are not required to be residents of the City.
(Ord. No. 06-31, 09/05/06, Enacted) SUPP 2006-03

Sec. 2-137 through 2-149 Reserved.
(Ord. No. 90-61, 12/11/90)
(Ord. No. 06-30, 09/05/06, Enacted) SUPP 2006-3
(Ord. No. 06-31, 09/05/06, Amended) SUPP 2006-03

Sec. 2-150. Boards and Commissions; scheduled boards and commissions; terms.

(a) All boards and commissions of the city shall be classified as a regularly scheduled or unscheduled board or commission. Regularly scheduled boards and commissions are those that meet on a regular scheduled basis or may be quasi-judicial in nature. Unscheduled boards and commissions meet on an as called basis.

(b) Regularly scheduled Boards and Commissions include:

(1) Arts Commission - 7 members
(2) Board of Adjustment - 5 members
(3) Library Board - 7 members
(4) Parks and Recreation Board - 7 members
(5) Planning and Zoning Commission - 7 members
(6) Economic Development Advisory Board – 7 members

(c) All members of regularly scheduled boards and commissions of the city shall serve a term of four (4) years, unless otherwise required by the Arizona Revised Statutes. For those regularly scheduled boards and commissions having five (5) members, the terms of office shall be staggered such that no more than one (1) member's term shall expire in any single year. For those boards and commissions having five (5) or more members but less than eight (8) members, the terms of office shall be staggered such that no more than two (2) members' terms shall expire in any single year. For those boards and commissions having more than eight (8) members, the terms of office shall be staggered such that no more than three (3) members' terms expire in any single year. In the case of board and commission members whose current terms are four (4) years, the provisions of this section shall become effective upon the beginning of the new term of office.

(d) In the event a member of a board or commission of the city receives from the United States Secretary of Defense military orders for active duty in the armed forces of the United States or as a member of the Arizona National Guard, receives orders from the President of the United States federalizing the national guard for service in the armed forces of the United States and the period of active duty is projected to last at least four (4) months but no longer eighteen months (18 months) or the remainder of the term of the Board or Commission member, whichever is less, the Board or Commission member's term may be temporarily vacated as set forth below:

1. A copy of the military orders or orders federalizing the member as a part of the National Guard shall be filed with the City Clerk.

2. Upon receipt of the orders, the City Council Boards and Commissions subcommittee shall meet within thirty days and provide the Mayor with one or more interim nominee(s) for the position. The Mayor shall designate one of the interim nominee(s) to serve as the Board or Commission member on an interim basis until the appointed Board or Commission member returns from active military duty or federalized military service or eighteen months (18 months) or until the end of the Board or Commission member's term whichever occurs first.

3. The interim Board or Commission member shall have all the rights and privileges of a board or commission member of the respective board or commission.

State Law Reference. A.R.S. §9-461.02, Municipal Planning Commission.
State Law Reference. A.R.S. §9-462.06, Municipal Board of Adjustment.
State Law Reference. A.R.S. §38-847, Local Public Safety Retirement boards.
(Ord. No. 90-61, 12/11/90)
(Ord. No. 93-07, 1/19/93, Amended to add (b))
(Ord. No. 98-35, 6/16/98, Amended)
(Ord. No. 02-54, 6/18/02, Amended) SUPP 2002-2
(Ord. No. 04-182, 7/6/04, Amended) SUPP 2004-3
(Ord. No. 09-43, 11/17/09, Amended) SUPP 2009-4
(Ord. No. 10-01, 01/19/10, Amended) SUPP 2010-1

Sec. 2-151. Regularly scheduled boards and commissions; limits on terms.

(a) Any person who has completed the maximum number of terms on any regularly scheduled board or commission or the Judicial Selection Advisory Board shall not be eligible for appointment to that board for a period of one year following completion of their term.

(b) No person shall serve more than two consecutive four year terms on any regularly scheduled board or commission of the City of Peoria or the Judicial Selection Advisory Board. In the event that a person is appointed for part of a term, the partial term regardless of length

shall not be counted for purposes of calculating the limit of two consecutive terms. Notwithstanding any provision of this section, no person shall serve more than twelve years on any regularly scheduled board or commission of the city or the Judicial Selection Advisory Board.

(c) A person shall serve on no more than one regular scheduled board at any time and no person shall serve on any regular scheduled board and unscheduled board where the duties thereof are deemed to be incompatible in the determination of the city council.
(Ord. No. 98-35, 6/16/98, former Sec. 2-151 renumbered to Sec. 2-154)
(Ord. No. 98-35, 6/16/98, Enacted)
(Ord. No. 99-107, 12/14/99, Amended (b)) SUPP 1999-4
(Ord. No. 08-12, 5/20/08, Amended (a)(b)) SUPP 2008-2

Sec. 2-152. Boards and Commissions; unscheduled boards and commissions.

(a) The following are unscheduled boards and commissions and shall include:
(1) Building Code Board of Appeals - 7 members
(2) Citizens commission on Elected Officials Salaries – 5 members
(3) Design Standards Advisory Board B 5 members
(4) Historic Preservation Commission - 7 members
(5) Industrial Development Authority - 7 members
(6) Municipal Development Authority - 5 members
(7) Personnel Board - 3 members, 1 alternate
(8) Peoria Municipal Sports Complex Authority - 7 members
(9) Public Defender Review Board - 5 members
(10) Public Safety Review Board-Police - 5 members
(11) Public Safety Review Board-Fire - 5 members
(12) Volunteer Firefighter Pension Board - 5 members
(13) Sister Cities Board – 7 members
(14) Veteran's Memorial board – 7 members
(15) Judicial Selection Advisory Board – 5 members
(16) Employee Benefits Trust Board – 5 members
(17) Design Review Appeals Board – 5 members
(Ord. No. 98-35, 6/16/98, former Sec. 2-152 renumbered to Sec. 2-155)
(Ord. No. 98-35, 6/16/98, Enacted)
(Ord. No. 05-63, 11/15/05, Amended) SUPP 2005-04
(Ord. No. 06-30, 09/05/06, Amended) SUPP 2006-03
(Ord. No. 06-31, 09/05/06, Amended) SUPP 2006-03
(Ord. No. 08-12, 5/20/08, Amended by enacting (15)) 2008-2
(Ord. No. 09-15, 06/02/09, Amended) SUPP 2009-2
(Ord. No. 09-43, 11/17/09, Amended) SUPP 2009-4

Sec. 2-153. Boards and Commissions; unscheduled boards and commissions; terms.

(a) All members of unscheduled boards and commissions of the city shall serve a term of four (4) years, unless otherwise required by the Arizona Revised Statutes. For those boards and commissions having five (5) members or less, the terms of office shall be staggered that no more than two (2) terms shall expire in any single year. For those boards and commissions having more than (5) members but less than eight (8) members, the terms of office shall be staggered that no more than two (2) terms shall expire in any single year. In the case of board and commission members whose current terms are less than four (4) years and where more than the maximum number of members will come up for appointment in a single year, two (2) board and commission members will be appointed for four (4) year terms and one member shall be appointed for a three (3) year term. Thereafter all board and commission members shall be appointed for four (4) year terms. In the case of board and commission members whose current terms are less than four (4) years, the provisions of this section shall become effective upon the beginning of the new term of office.

(b) Except as otherwise provided in this code, members of unscheduled boards and commissions may be appointed and/or reappointed at council discretion to one or more unscheduled boards or commissions.
(Ord. No. 90-61, 12/11/90)
(Ord. No. 93-17, 3/18/93)
(Ord. No. 98-35, 6/16/98, former Sec. 2-153 renumbered to Sec. 2-156)
(Ord. No. 98-35, 6/16/98, Enacted)
(Ord. No. 08-12, 5/20/08, Amended (b)) SUPP 2008-2

Sec. 2-154. Vacancies; boards, commissions and committees.

A vacancy upon a board or commission of the city shall be deemed to have occurred upon the occurrence of the following:

(a) Death or resignation of a member of a board or commission.

(b) Ceasing to be a resident of the City of Peoria, unless exempted from the residency requirement pursuant to City Code § 2-156(a)(4).

(c) Failure to meet the minimum qualifications for the position of board or commission member.

(d) Three consecutive unexcused absences from board or commission meetings.

(e) Removal of a member of a board or commission by the City Council as provided in this chapter.

(Ord. No. 90-61, 12/11/90)
(Ord. No. 96-12, 2/6/96, Amended, adding subsection (e))

(Ord. No. 98-35, 6/16/98, former Sec. 2-154 renumbered tp Sec. 2-157)
(Ord. No. 98-35, 6/16/98, Amended (e) and Renumbered from Sec. 2-151)
(Ord. No. 06-22, 06/20/06, Amended (b)) SUPP 2006-3
(Ord. No. 08-12, 5/20/08, Amended (b)) SUPP 2008-2

Sec. 2-155. Unexpired Terms.

Whenever a vacancy has occurred upon one of the boards or commissions of the City, the Mayor with the approval of Council shall appoint a replacement to complete the remainder of the term.
(Ord. No. 90-61, 12/11/90)
(Ord. No. 98-35, 6/16/98, former Sec. 2-155 renumbered to Sec. 2-158)
(Ord. No. 98-35, 6/16/98, renumbered from Sec. 2-152)

Sec. 2-156. Boards and commissions; qualifications.

(a) All members of boards and commissions of the city shall meet the following minimum qualifications upon their appointment to any board or commission.

(1) Must be at least eighteen (18) years of age or older.

(2) Resident of the City of Peoria.

(3) Qualified elector of the City of Peoria.

(4) Notwithstanding paragraphs (2) and (3) of subsection (a), the following board or commission members are not required to be residents or qualified electors of the City, but must be residents and qualified electors of Maricopa County:.

(A) Members of the Economic Development Advisory Board; and

(B) The fire protection engineer member and industrial safety professional member of the Building Board of Appeals.

(C) As provided in Chapter 15 of this Code pertaining to the Judicial Selection Advisory Board.

(b) Employees of the City of Peoria shall not be eligible for appointment to the following boards or commissions of the City. For purposes of this section, “Employee of the City of Peoria” means any City of Peoria employee who is in a benefit receipt status for payroll purposes.

(1) Personnel board.

(2) Board of adjustment.

(3) Board of appeals.

(4) Any board or commission that the department in which the employee is assigned acts as primary staff. The term "primary staff" means the department that provides staff support and reports to the applicable board or commission.

(5) Economic Development Advisory Board.

(6) Judicial Selection Advisory Board.

(c) Employees of the City of Peoria shall be ineligible for appointment to more than one board or commission at a given time.

(d) Unless required by state law, no board or commission of the City of Peoria shall have more than one (1) Employee of the City of Peoria as a member at any given time.

(e) Notwithstanding anything else contained in this section, no policy making or quasi-policy making Employee of the City of Peoria shall be appointed to any board or commission. Policy making or quasi-policy making Employee of the City of Peoria include:

(1) Charter officers.

(2) City manager's staff.

(3) City attorney's staff.

(4) Department heads.

(5) Division managers.

(7) Any other position in city employment upon recommendation of the city manager and determination of the city council that due to its assigned duties and responsibilities that the position exercises policy making responsibility.

(Ord. No. 90-61, 12/11/90)
(Ord. No. 93-17, 3/18/93)
(Ord. No. 98-35, 6/16/98, renumbered from Sec. 2-153)
(Ord. No. 02-54, 6/18/02, Amended) SUPP 2002-2
(Ord. No. 06-22, 07/11/06, Amended) SUPP 2006-3

(Ord. No. 08-12, 5/20/08, Amended by enacting (a)(4)(C), (b)(6)) SUPP 2008-2

Sec. 2-157. Boards and Commissions; limits on terms; Administrative Policies and Regulations.

(a) The Council may adopt administrative policies and regulations governing the procedures for the appointment of members of boards and commissions.
(Ord. No. 90-61, 12/11/90)
(Ord. No. 98-35, 6/16/98, renumbered from Sec. 2-154, Amended)

Sec. 2-158. Removal of board, commission and committee members.

(a) The provisions contained in this section shall apply to all of the boards, commissions or committee's of the city, unless otherwise provided by state law.

(b) Any board, commission or committee member may be removed from office upon a vote of not less than five of the members of the city council for any reasonable cause as determined by the city council.
(Ord. No. 96-12, 2/6/96, enacted)
(Ord. No. 98-35, 6/16/98, renumbered from section 2-155)

Sec. 2-159. Reserved.
(Ord. No. 91-04, 1/8/91)
(Ord. No. 96-12, 2/6/96)
(Ord. No. 98-35, 6/16/98)

Sec. 2-160. Policy and Administration; definitions.

The following terms shall have the following meanings for Sections 2-160 through 2-164 of this Chapter:

(a) *City Council Policies*. A City Council policy is a written statement of policy adopted by the City Council that outlines and defines city matters within the powers and duties granted to the City Council under state law, the charter and code. A City Council Policy shall be in writing and may be adopted by motion. A City Council policy may be modified within the exclusive determination of the City Council.

(b) *Administrative Procedures.* Administrative procedures are designed to be applied Citywide and to be a written definition of those powers and duties granted to the City Manager under the charter and code.

(c) *Department Procedures*. These are specific written procedures implemented by a City department or office that is designed to implement the powers and duties granted that department or delegated in accordance with this code by the City Manager. Departmental Procedures are not designed for city-wide implementation but to address issues applicable to a particular department.
(Ord. No. 91-04, 1/8/91)
(Ord. No. 94-18, 5/3/94, amended)
(Ord. No. 96-87, 10/1/96, amended)
(Ord. No. 99-23, 5/25/99, repealed) SUPP 1999-2
(Ord. No. 99-23, 5/25/99, enacted) SUPP 1999-2
(Ord. No. 07-23, 7/14/07, amended) SUPP 2007-03

2-161. Policy and Administration; city council policies.

(a) City Council Policies shall be in writing and may be placed on the agenda and acted on in the same manner as other matters before the City Council. City Council Policies shall be in conformance with state law, the charter and the codes and ordinances of the city. The city attorney shall approve as to form City Council Policies.

(b) The City Manager or his designee shall maintain a codification of all policies adopted by the City Council, with copies available for public inspection at the Department of the City Clerk.
(Ord. No. 91-04, 1/8/91)
(Ord. No. 94-18, 5/3/94, amended)
(Ord. No. 96-87, 10/1/96, amended deleting (c) and renumbering to conform)
(Ord. No. 99-23, 5/25/99, repealed) SUPP 1999-2
(Ord. No. 99-23, 5/25/99, enacted) SUPP 1999-2

(Ord. No. 07-23, 7/14/07, amended) SUPP 2007-03

Sec 2-162. Policy and Administration; departmental procedures; Municipal Court approval; public inspection.

(a) The presiding judge of Superior Court for Maricopa County shall approve applicable Municipal Court Procedures in accordance with the administrative orders promulgated by the Arizona Supreme Court.

(b) Copies of Departmental procedures shall be on file with the adopting department and shall be available for public inspection.
(Ord. No. 91-04, 1/8/91)
(Ord. No. 94-18, 5/3/94, repealed existing section 2-162, renumbered section 2-172 to 2-162)
(Ord. No. 96-87, 10/1/96, amended, deleting (a) and (c) and renumbering to conform)
(Ord. No. 99-23, 5/25/99, repealed) SUPP 1999-2
(Ord. No. 99-23, 5/25/99, enacted) SUPP 1999-2
(Ord. No. 07-23, 7/14/07, amended) SUPP 2007-03

Sec. 2-163. Policy and Administration; administrative procedures; approval and implementation.

(a) Administrative Procedures shall be developed by the City Manager or his designee to provide written statements on those powers and duties granted to the City Manager under the charter and code.

(b) Prior to implementation, the procedure shall be reviewed by the City Attorney as being within the powers and duties of the City Manager or his designee.

(c) Not less than ten days prior to the implementation of an administrative procedure, the City Manager shall provide written notice to the City Council of the proposed revisions and/or new administrative procedure. Personnel Administrative Regulations Sections 61, 62.1, 62.2, 62.5, 62.6, 62.7, 62.8 and 63.4 only shall be changed pursuant to an ordinance adopted by the city council in the manner provided by the Charter. The Council shall retain the right in its sole discretion and judgment to amend, repeal or modify any of the above-designated regulations.

(d) Upon approval by the City Manager or City Council, copies of the administrative procedure shall be available for public inspection at the department of the city clerk.

(e) The City Manager shall maintain a codification of all administrative procedures promulgated by the City Manager or City Council.
(Ord. No. 91-04, 1/8/91)
(Ord. No. 94-18, 5/3/94, amended)

(Ord. No. 96-87, 10/1/96, amended adding (c) and renumbering to conform))
(Ord. No. 99-23, 5/25/99, repealed) SUPP 1999-2
(Ord. No. 99-23, 5/25/99, enacted) SUPP 1999-2
(Ord. No. 07-23, 7/14/07, amended) SUPP 2007-03

Sec 2-164. Repealed.

All existing administrative regulations of the city shall be deemed Administrative Procedures for purposes of this Chapter. Notwithstanding this provision, Administrative Regulation 61, 62.1, 62.2, 62.5, 62.6, 62.7, 62.8 and 63.4 shall only be changed pursuant to an ordinance adopted by the city council in the manner provided by the charter. The council shall retain the right in its sole discretion and judgment to amend, repeal or modify any of the above-designated regulations.
(Ord. No. 91-04, 1/8/91)
(Ord. No. 94-18, 5/3/94, amended)
(Ord. No. 99-23, 5/25/99, repealed) SUPP 1999-2
(Ord. No. 99-23, 5/25/99, enacted) SUPP 1999-2
(Ord. No. 07-23, 7/14/07, repealed) SUPP 2007-03

Sec. 2-165. Repealed.
(Ord. No. 91-04, 1/8/91)
(Ord. No. 94-18, 5/3/94, repealed existing section 2-165, renumbered section 2-166 to 2-165)
(Ord. No. 99-23, 5/25/99, repealed) SUPP 1999-2

Sec. 2-166. Repealed.
(Ord. No. 91-04, 1/8/91)
(Ord. No. 94-18, 5/3/94, amended and renumbered to section 2-165)
(Ord. No. 99-23, 5/25/99, repealed) SUPP 1999-2

Sec. 2-167. Repealed.
(Ord. No. 91-04, 1/8/91)
(Ord. No. 94-18, 5/3/94, repealed existing section 2-167)
(Ord. No. 96-87, 10/1/96, amended deleting (c))
(Ord. No. 99-23, 5/25/99, repealed) SUPP 1999-2

Sec. 2-168. Repealed.
(Ord. No. 91-04, 1/8/91)
(Ord. No. 94-18, 5/3/94, renumbered section 2-168 to 2-166)
(Ord. No. 99-23, 5/25/99, repealed) SUPP 1999-2

Sec. 2-169. Repealed.
(Ord. No. 91-04, 1/8/91)
(Ord. No. 94-18, 5/3/94, renumbered section 2-169 to 2-167)
(Ord. No. 99-23, 5/25/99, repealed) SUPP 1999-2

Sec. 2-170. Management and Budget Department; establishment.

There shall be a Management and Budget Department. The Director of the Management and Budget Department shall be appointed by the City Manager, and confirmed by the City Council. The position shall be an unclassified position and shall serve at the pleasure and will of the City Manager and not subject to the City merit system.
(Ord. No. 91-04, 1/8/91)
(Ord. No. 94-18, 5/3/94, repealed and reserved)
(Ord. 05-31, 6/21/05, Enacted) SUPP 2005-2
(Ord. No. 09-29, 08/25/09, Amended) SUPP 2009-3

Sec. 2-171. Management and Budget Department; function designation.

Each function within the Management and Budget Department shall be headed by a position designated by the Director of the Budget Department.
(Ord. No. 91-04, 1/8/91)
(Ord. No. 94-18, 5/3/94, repealed and reserved)
(Ord. 05-31, 6/21/05, Enacted) SUPP 2005-2
(Ord. No. 09/29, 08/25/09, Amended) SUPP 2009-3

Sec. 2-172. Management and Budget Department; position classification plan.

The City Manager shall promulgate a position classification plan for the Management and Budget Department. The plan shall establish specific positions assigned to ranges and steps within

the City's pay plan. The promulgation of a position classification plan shall not create any obligation upon the City Council to appropriate funds for any position with the plan.
(Ord. No. 91-04, 1/8/91)
(Ord. No. 94-18, 5/3/94, amended and renumbered to section 2-162)
(Ord. No. 05-31, 6/21/05, Enacted) SUPP 2005-2
(Ord. No. 09-29, 08/25/09, Amended) SUPP 2009-3

Sec. 2-173. Reserved.
(Ord. No. 91-04, 1/8/91)
(Ord. No. 94-18, 5/3/94, amended and renumbered to section 2-168)

Sec. 2-174. Reserved.
(Ord. No. 91-04, 1/8/91)
(Ord. No. 94-18, 5/3/94, renumbered to section 2-169)

Secs. 2-175. through 2-179. Reserved
(Ord. No. 91-09, 2/12/91)
(Ord. No. 91-12, 5/14/91)
(Ord. No. 92-18, 5/12/92)
(Ord. No. 94-18, 5/3/94)

Sec. 2-180. Annual budget estimates.

Each department director and appointed officer of the city shall submit, through the city manager to the city council annual budget estimates showing proposed expenditures and revenues for the ensuing fiscal year. The estimates shall be detailed by budget units, character and object of expenditure, and character and source of revenue. The annual budget estimates shall be submitted to the Budget Director in accordance with the schedule adopted each year by the city manager.
(Ord. No. 92-18, 5/12/92, Enacted)
(Ord. No. 02-42, 6/7/02, Amended) SUPP 2002-2
(Ord. No. 05-31, 6/21/05, Amended) SUPP 2005-2

Sec. 2-181. Transfer of funds.

(a) Upon adoption of the final budget by the city council, any department may transfer funds from line items within the contractual services and commodities sections of the department's adopted final budgets to other line items within the contractual services and commodities sections of the department's adopted final budgets. The transfer shall be initiated by the department director.

(b) Transfers under subsection a of this section shall be made on forms promulgated by the budget department for this purpose and shall require the approval of the budget director.

(c) No transfer of funds from line items within the personal services section of the department's adopted final budget shall be made which results in a re-title, new classification, re-range or salary range adjustment without a recommendation from the city manager and the approval of the personnel request by the city council.

(d) No transfer of funds from reserve funds, replacement funds, development or expansion fee funds or bond funds shall be made into the general fund, unless contained in the approved final budget or requested by the finance director through the city manager, with the approval of the city council.
(Ord. No. 92-18, 5/12/92, Enacted)
(Ord. No. 02-42, 6/7/02, Amended) SUPP 2002-2
(Ord. No. 05-31, 6/21/05, Amended) SUPP 2005-2

Sec. 2-182. Expenditure control.

(a) Upon adoption of the final budget by the city council, the city manager may institute expenditure limitations to defer or suspend individual expenditures by departments. The purpose of these limitations is to assure that revenues received by the city are sufficient to cover budgeted expenditures. These expenditure limitations may include:

(1) Delaying capital items approved in the budget until the second or subsequent quarter

of the budget year.

(2) Delaying the recruitment for existing or new positions until the second or subsequent quarter of the budget year.

(3) Delaying other purchases by the city until the second or subsequent quarter of the budget year.

(b) The city manager shall notify the city council of the institution of expenditure limitations.

(Ord. No. 92-18, 5/12/92, Enacted)

Sec. 2-183. Budget; capital expenditures; definitions

(a) For purposes of preparing the City's Capital Improvements Plan and to implement the provisions of Article VI, Section 8 of the Peoria City Charter, the terms below shall have the following definitions:

(1) *Arena shall* mean a fully enclosed structure meeting the following requirement:

b. The City has entered into an exclusive contract with a team from a recognized national or international professional sporting league or association giving it exclusive rights to control use of the facility during its season.

(2) *City Office Building* shall mean a building owned by the City of Peoria and meeting all of the following requirements:

a. Must be at least 20,000 square feet in size, not including ancillary facilities such as balconies, amphitheaters and porches; and

b. Must be used as the central location in providing governmental services of the administrative departments located therein to the entire City.

(3) *Construction* means the award of a contract for the actual construction of a facility defined in this section. Construction does not include separately procured and awarded pre-design, design and engineering services awarded prior to construction. Construction does not include those portions of a design-build or construction manager at risk procurement, which are designated as covering the cost of pre-design, design, engineering and construction management services. Further Construction does not include acquisition of any interest in real property by the City that may be subsequently used for a project for which meets the definitions of this Section.

(4) *Convention Facility* means a facility owned by the City meeting all of the following requirements:

a. Must be planned for use of at least 60% of the space by events where merchandise, objects or services are provided for display; and

b. Must be designed primarily for exhibitions.

(5) *Incur Debt* means a pledge by the City of Peoria of General Obligation indebtedness approved by the qualified electors of the City in accordance with Article IX, Section of the Arizona Constitution or the pledge by the City of Peoria of a specific source or revenue to repay debt incurred over a term of more than two fiscal years. Incur debt does not include the refinancing of any existing debt owed by the City prior to the effective date of this ordinance nor does incur debt include any operating expenditures, even if planned over multiple years.

(6) *Stadium* means a facility owned by the City and which meets all of the following requirements:

a. Used more than 50% of the time for sporting events by a recognized national or international professional sporting league or association that holds an association wide television contract; and

b. The facility contains adjacent parking facilities in which the team from a recognized national or international professional sporting league or association receives at least one half ½ of all revenues from fees charged for parking; and

c. Contains concession facilities operated by one or more concessionaires under contract with the City and for which a team from a recognized national or international professional sporting league or association receives at least one half ½ of all revenues from the sale of concessions.

d. The repair, replacement, reconstruction, maintenance and operation of an existing facility that would be covered as a project if constructed new, under Article VI, Section 8 of the Peoria City Charter shall not be defined as an arena, city office building, convention facility or stadium.

(Ord. No. 01-157, 9/18/01, Enacted)

Section 2-184. Budget; capital improvements; legal opinion; acts of city council.

(a) Notwithstanding any provision of law to the contrary, no public officer or employee is personally liable for acts done in his official capacity in good faith reliance on

written opinions of the Office of the City Attorney issued pursuant to this section regarding the application of Sections 2-181 through 2-183 and Article VI, Section 8 of the Peoria City Charter.

(b) Upon issuing any written opinion under this section, the Office of the City Attorney shall file a copy with the City Clerk and shall post notice of availability of the opinion in all locations where public notices of the City are required to be posted. Any person disagreeing with the opinion of the City Attorney as to the application of Sections 2-181 through 2-184 of this Code or Article VI, Section 8 of the City Charter shall file a claim with the City within Ninety (90) days of the date of the opinion and shall file any legal action against the City within one year of the date of the opinion of the City Attorney. After such date, such actions shall be deemed barred.
(Ord. No. 01-157, 9/18/01, Enacted)

Section 2-185. Budget; capital improvements; prior acts of city council.

(a) Any person desiring to contest any determination of City Council on any project pursuant to Sections 2-181 through 2-184 of this Chapter and Article VI, Section 8 of the Peoria City Charter that was determined by the City Council prior to the adoption of this ordinance shall be deemed forever barred unless a claim was filed in the manner and time required by A.R.S. §12-820.01 and a legal action pursuant to A.R.S. §12-821. For purposes of calculating such time frames, the commencement date shall be the date of adoption of the City Capital Improvement Program in the year that the project was funded.

(b) Nothing in this ordinance shall be construed as setting aside any voter approval on any project previously adopted.
(Ord. No. 01-157, 9/18/01, Enacted)

Sec. 2-186. Finance; Transportation Tax Fund.

(a) A Transportation Tax Fund is established in the City consisting of the revenues generated from the tax increase authorized by the qualified electors of three tenths of one percent (.003) over and above the City's current transaction privilege tax rates collected in the manner provided by the Peoria Tax Code, together with other monies, if any legally available from any other source and appropriated by the City Council through the budget process for the Transportation Tax Fund. This provision shall not be interpreted or place any legal obligation on the City Council to appropriate any other monies for the Transportation Tax Fund than the tax increase authorized by the qualified three tenths of one percent (.003) over and above the City's current transaction privilege tax rates.

(b) The City shall use all of the funds collected in the Transportation Tax Fund for any of the following:

(1) Design, engineering, construction of transportation projects identified in the City's Adopted Budget, including but not limited to acquisition of interests in real

property and to advance funds to the State of Arizona or a political subdivision thereof for the purpose of expediting a transportation project.

(2) Design, engineer, construct, acquire interests in real property, operate and maintain or to reimburse other political subdivisions for the cost of providing multi-modal forms of transportation

(3) Pay for all administrative, financial, legal costs incurred by the city arising out of the transportation tax fund and projects funded, together with all costs of financing, including but not limited to debt service reserves..

(c) The Council may pledge Transportation Tax Fund revenues and such other revenues of the city as it deems appropriate for the purpose of funding projects under this section.

(d) Monies remaining in the fund at the end of the fiscal year shall be carried over to the subsequent fiscal year, and together with new legally available revenues may be appropriated by the City Council in the manner provided in this section.
(Ord. 05-55, 9/19/05, Enacted) SUPP 2006-3

Sec. 2-187. Finance; public safety enhancement charge; establishment.

(a) A public safety enhancement charge of Twenty dollars ($20.00) shall be imposed by the Peoria Municipal Court in addition to the Peoria Court Enhancement Fee on all offenses processed by the court which result in an order or agreement to pay any fine, sanction, penalty or assessment or participate in any court authorized diversion program. The user charge shall not be imposed on civil parking violations. The public safety enhancement charge shall be collected by the court for deposit into the public safety enhancement account within the city's general fund.

(b) A public safety enhancement account is hereby established for the purpose of enhancing the general operations of the police department and city attorney's office. Monies in this account shall be divided with eighty (80%) going to the Police Department and twenty (20%) going to the City Attorney's Office. Monies from this account shall supplement funds to be provided to the Police Department and City Attorney's Office through the city budget process and shall be used for staff, technology, operations and facilities, including, but not limited to the payment of employee salaries within the department and office.

(c) Notwithstanding anything contained in this section, the Public Safety Enhancement Charge shall not be assessed on any violation of Arizona Revised Statutes Section 28-645 that results in a fine, sanction, penalty or assessment by the Municipal Court for the violation of that section.
(Ord. No. 91-09, 2/12/91)
(Ord. No. 91-12, 5/14/91)

(Ord. No. 92-18, 5/12/92)
(Ord. No. 95-33, 6/6/95)
(Ord. No. 01-157, 9/18/01)
(Ord. No. 05-55, 9/19/05) SUPP 2006-3
(Ord. No. 09-14, 5/5/09, Enacted) SUPP 2009-2

Secs. 2-188 through 2-197. Reserved.
(Ord. No. 91-09, 2/12/91)
(Ord. No. 91-12, 5/14/91)
(Ord. No. 92-18, 5/12/92)
(Ord. No. 95-33, 6/6/95)
(Ord. No. 01-157, 9/18/01)
(Ord. No. 05-55, 9/19/05) SUPP 2006-3
(Ord. No. 09-14, 5/5/09) SUPP 2009-2

Sec. 2-198. Animals, dog license fees.

Each owner of a dog in the City of Peoria shall obtain a license for the dog annually. The fee for a dog which is permanently rendered incapable of procreation shall be Seven Dollars ($7.00). The fee for a dog capable of procreation shall be Fifteen Dollars ($15.00). All fees shall be paid annually at the time of application for a dog license.
(Ord. No. 91-12, 5/14/91)
(Ord. No. 95-33, 6/6/95, Renumbered from Section 2-200)

Sec. 2-199. City Attorney; fees.

(a) The office of the city attorney shall charge each person requesting the services set forth in this section the following fees:

See TABLE 1.1-A

(b) The office of the city attorney shall charge each person the fees contained in this code, which shall be revised no later than March 31, 1996 and annually thereafter.

(c) For those fees for participation in diversion programs,
city attorney or his designee may provide for the time payment or waiver of such fees in order to permit participation by persons of limited financial resources.

(d) Except that the fee pertaining to administration of development and repayment agreements shall only become effective and be charged after this date.
(Ord. No. 95-33, 6/6/95, Enacted)
(Ord. No. 02-63, 7/9/02, Amended Table)
(Ord. No. 02-63, 7/9/02, Amended Table)
(Ord. No. 07-30, 09/04/07, Amended Table) SUPP 2007-4
(Ord. No. 08-36, 12/16/08, Amended Table 2-199) SUPP 2008-4

Sec. 2-200. City Attorney; fees to be deposited with Finance Director.

All fees collected by the office of the city attorney under this code shall be deposited with the Finance Director. The Finance Director shall account for all fees deposited in accordance with accounting policies and regulations adopted by the city.
(Ord. No. 95-33, 6/6/95, Enacted)
(Ord. No. 02-42, 6/7/02, Amended) SUPP 2002-2
(Ord. No. 05-31, 6/21/05, Amended) SUPP 2005-2

Sec. 2-201. City clerk; agenda; council meeting materials.

(a) The city clerk shall charge each person requesting copies of agendas and/or meeting materials of any board, commission or council of the city the fees contained in this chapter, which shall be revised as necessary.

(1) Notwithstanding this section, the city clerk shall provide one free copy of the current council agenda to each person requesting a copy.

(b) The City Clerk shall provide one free copy of the current complete council meeting packet, minus privileged information, to each press representative and to each candidate for council after such candidate has submitted nominating petitions to run in the biannual primary election, until such person ceases to be a candidate for city office, or the general election, whichever is earlier.

(Ord. No. 91-12, 5/14/91)
(Ord. No. 92-17, 4/28/92, Amended)
(Ord. No. 00-129, 11/6/2000, Amended (a)) SUPP 2000-4

Sec. 2-202. City clerk; fees, public records; miscellaneous documents.

(a) The city clerk shall charge each person requesting copies of agendas and/or meeting materials of any board, commission or council of the City the following fees:

See Table 2-202.

(b) The city clerk shall not charge any city agency, city contractor, department or office for any copies of records requested under this Section. Notwithstanding the foregoing, the City may elect for administrative convenience and to minimize record keeping costs not to charge for copying of a public record of 3 or less pages requested for non-commercial purposes by an individual appearing at the Department of the City Clerk.

(c) The City Clerk shall not bill copying charges of less than five dollars and may require such payments in advance.
(Ord. No. 91-12, 5/14/91)
(Ord. No. 92-17, 4/28/92, Amended)
(Ord. No. 00-129, 11/6/2000, Amended (b) and added (c)) SUPP 2000-4
(Ord. No. 02-63, 7/9/02, Amended Table) SUPP 2002-3
(Ord. No. 03-21, 5/23/2003, Amended Table 2-202) SUPP 2003-2
(Ord. No. 08-36, 12/16/08, Amended Table 2-202)SUPP 2008-4

Sec. 2-203. City clerk; fees, bingo, liquor licenses.

(a) The city clerk shall charge each person filing an application with the City for issuance, renewal or transfer of a license to sell alcoholic beverages or to operate a bingo game the following fees:

See Table 2-203.

(Ord. No. 91-12, 5/14/91)
(Ord. No. 92-17, 4/28/92, Amended)
(Ord. No. 00-129, 11/6/2001, Amended Table 2-203) SUPP 2000-4
(Ord. No. 02-63, 7/9/02, Amended Table) SUPP 2002-3

Sec. 2-204. City clerk; fees to be deposited with Finance Director.

All fees collected by the city clerk under this code shall be deposited with the Finance Director. The Finance Director shall account for all fees deposited in accordance with accounting policies and regulations adopted by the city.
(Ord. No. 91-12, 5/14/91)
(Ord. No. 92-17, 4/28/92, Amended)
(Ord. No. 02-42, 6/7/02, Amended) SUPP 2002-2
(Ord. No. 05-31, 6/21/05, Amended) SUPP 2005-2

Sec. 2-205. Municipal court; fees; background searches.

(a) The magistrate court shall charge each person requesting the services set forth in this section the following fees:

See Table 2-205.

(b) The magistrate court shall charge each person the fees contained in this code, which shall be revised no later than March 31, 1993 and annually thereafter.
(Ord. No. 91-12, 5/14/91)
(Ord. No. 91-34, 10/21/91)
(Ord. No. 92-17, 4/28/92, Amended)
(Ord. No. 02-63, 7/9/02, Amended Table) SUPP 2002-3
(Ord. No. 04-190, 8/24/04, Amended Table) SUPP 2004-3

Sec. 2-206. Municipal court; fees to be deposited with Finance Director.

All fees collected by the magistrate court under this code shall be deposited with the Finance Director. The Financial Director shall account for all fees deposited in accordance with accounting policies and regulations adopted by the city.
(Ord. No. 91-12, 5/14/91)

(Ord. No. 92-17, 4/28/92, Amended)
(Ord. No. 02-42, 6/7/02, Amended) SUPP 2002-2
(Ord. No. 05-31, 6/21/05, Amended) SUPP 2005-2

Sec. 2-207. Community services department; fees.

(a) The community services department shall charge each person requesting the services set forth in this section the fees in an amount not to exceed the maximum in this code.

See Table 2-207.

(b) The community services department shall file an annual schedule for public inspection on or before July 1, of each year, in the Department of the City Clerk, the Office of the City Attorney and the Community Services Department setting forth the actual fees charged for each service provided by the department.

(c) The community services department with the approval of the city manager may file a schedule in the manner provided for in subsection (b) of this section which shall contain maximum charges for new services provided by the department. The community services department with the approval of the city manager may charge non-residents of the city additional fees for services provided to non-residents who do no provide contributions from taxes, fees and other revenues paid by city residents.

(d) The community services department shall charge each person the fees contained in this chapter.
(Ord. No. 91-12, 5/14/91)
(Ord. No. 92-17, 4/28/92, Amended)
(Ord. No. 94-21, 5/3/94, Amended)
(Ord. No. 98-92, 7/21/98, Amended (a),(b),(c) and add (d))
(Ord. No. 03-154, 6/17/03, Amended Table 2-207) SUPP 2003-2
(Ord. No. 03-185, 12/16/03, Amended Table 2-207) SUPP 2003-4
(Ord. No. 04-20, 4/20/04, Amended Table 2-207) SUPP 2004-2
(Ord. No. 04-192, 9/14/04, Amended Table 2-207) SUPP 2004-3
(Ord. No. 05-08, 2/1/05, Amended Table 2-207) SUPP 2005-1
(Ord. No. 05-42, 8/25/05, Amended Table 2-207) SUPP 2005-3
(Ord. No. 07-09, 03/20/07, Amended Table 2-207) SUPP 2007-1
(Ord. No. 07-15, 06/05/07, Amended Table 2-207) SUPP 2007-2
(Ord. No. 07-24, 08/21/07, Amended Table 2-207) SUPP 2007-3
(Ord. No. 08-19, 07/01/08, Amended Table 2-207) SUPP 2008-3
(Ord. No. 09-17, 06/16/09, Amended Table 2-207A) SUPP 2009-2

Sec. 2-208. Community services department; fees to be deposited with Finance Director.

All fees collected by the community services department under this code shall be deposited with the Finance Director. The Finance Director shall account for all fees deposited in accordance with accounting policies and regulations adopted by the city.
(Ord. No. 91-12, 5/14/91)
(Ord. No. 92-17, 4/28/92, Amended)
(Ord. No. 94-21, 5/3/94, Amended)
(Ord. No. 02-42, 6/7/02, Amended) SUPP 2002-2
(Ord. No. 05-31, 6/21/05, Amended) SUPP 2005-2

Sec. 2-209. Community Development, building safety; fees required.

(a) The Community Development Department shall collect from each person filing an application for a permit, or requesting services by the city, the following fees:

See Table 2-209.

(b) The Community Development Department shall collect from each person the fees contained in this chapter, which shall be revised no later than March 31, 1993 and annually thereafter.
(Ord. No. 91-12, 5/14/91)
(Ord. No. 92-17, 4/28/92, Amended)
(Ord. No. 02-41, 6/4/02, Amended) SUPP 2002-2
(Ord. No. 03-21, 5/23/2003, Amended Table 2-209) SUPP 2003-2
(Ord. No. 02-65, 7/9/02, Amended Table) SUPP 2002-3
(Ord. No. 04-22, 5/16/04, Amended Table) SUPP 2004-2
(Ord. No. 07-11, 4/17/07, Amended Table) SUPP 2007-2
(Ord. No. 07-32, 10/02/07, Amended Table) SUPP 2007-4

Sec. 2-210. Community Development, building safety; fees to be deposited with Finance Director.

All fees collected by the Community Development Department under this article shall be deposited with the Finance Director. The Finance Director shall account for all fees deposited in accordance with accounting policies and regulations adopted by the city.
(Ord. No. 91-12, 5/14/91)
(Ord. No. 92-17, 4/28/92, Amended)
(Ord. No. 02-41, 6/4/02, Amended) SUPP 2002-2
(Ord. No. 02-42, 6/7/02, Amended) SUPP 2002-2
(Ord. No. 05-31, 6/21/05, Amended) SUPP 2005-2

Sec. 2-211. Engineering Department; fees required.

(a) The Engineering Department shall collect from each person filing an application for a permit, or requesting services by the city the following fees:

See Table 2-211(a).

(b) The Engineering Department shall collect from each person the fees contained in this chapter, which shall be revised no later than March 31, 1993 and annually thereafter.
(Ord. No. 91-12, 5/14/91)
(Ord. No. 92-03, 2/11/92, Revised)
(Ord. No. 92-17, 4/28/92, Amended)
(Ord. No. 02-41, 6/4/02, Amended) SUPP 2002-2
(Ord. No. 03-24, 6/3/2003, Amended Table 2-211) SUPP 2003-2
(Ord. No. 04-184, 7/6/04, Amended Table 2-211) SUPP 2004-3
(Ord. No. 05-29, 5/24/05, Amended Table 2-211) SUPP 2005-2
(Ord. No 05-43, 8/23/05, Amended Table 2-211) SUPP 2005-3.

Sec. 2-212. Engineering Department; fees to be deposited with Finance Director.

All fees collected by the Engineering Department under this chapter shall be deposited with the Finance Director. The Finance Director shall account for all fees deposited in accordance with accounting policies and regulations adopted by the city.
(Ord. No. 91-12, 5/14/91)
(Ord. No. 92-17, 4/28/92, Amended)
(Ord. No. 02-41, 6/4/02, Amended) SUPP 2002-2
(Ord. No. 02-42, 6/7/02, Amended) SUPP 2002-2
(Ord. No. 05-31, 6/21/05, Amended) SUPP 2005-2

Sec. 2-213. Community Development, planning division; fees required.

(a) The Community Development Department shall collect from each person filing an application or requesting services by the city the following fees:

See Table 2-213.

(b) The Community Development Department; the planning and zoning commission and the city may initiate code amendments, special use permits, zoning and rezoning applications and plan amendments without payment of any of the fees required by this chapter.

(c) The planning division shall reduce fees charged to non-profit community organizations to ten percent (10%) of the fee calculated under this chapter. A non-profit community

organization for purposes of this chapter is defined as a corporation organized under the laws of the State of Arizona as a non-profit organization and having been certified by the United States Internal Revenue Service as a charitable organization under section 501(c)(3) of the Internal Revenue Code of 1986 as amended.

(d) In the event an applicant is required by the zoning code of the city of Peoria to process more than two applications to obtain approval for the proposed development, a maximum of two fees under this article shall be charged. The fee shall be the sum of the two highest application fees.
(Ord. No. 91-12, 5/14/91)
(Ord. No. 92-17, 4/28/92, Amended)
(Ord. No. 02-41, 6/4/02, Amended) SUPP 2002-2
(Ord. No. 03-21, 5/23/2003, Amended Table 2-213) SUPP 2003-2
(Ord. No. 03-24, 6/3/2003, Amended Table 2-213) SUPP 2003-2
(Ord. No. 02-65, 7/9/02, Amended Table) SUPP 2002-3
(Ord .No. 06-32, 9/5/2006, Amended Table) SUPP 2006-3

Sec. 2-214. Community Development, planning division; fees to be deposited with Finance Director.

All fees collected by the Community Development Department under this article shall be deposited with the Finance Director. The Finance Director shall account for all fees deposited in accordance with accounting policies and regulations adopted by the city.
(Ord. No. 91-12, 5/14/91)
(Ord. No. 92-17, 4/28/92, Amended)
(Ord. No. 02-41, 6/4/02, Amended) SUPP 2002-2
(Ord. No. 02-42, 6/7/02, Amended) SUPP 2002-2
(Ord. No. 05-31, 6/21/05, Amended) SUPP 2005-2

Sec. 2-215. Fire department; fees required.

(a) The fire department shall collect from each person filing an application for a permit, or requesting services by the city the following fees:

See Table 2-215.

(b) The fire department shall collect from each person the fees contained in this chapter, which shall be revised no later than March 31, 1993 and annually thereafter.
(Ord. No. 91-12, 5/14/91)
(Ord. No. 92-17, 4/28/92, Amended)
(Ord. No. 03-21, 5/23/2003, Amended Table 2-215) SUPP 2003-2
(Ord. No. 02-65, 7/9/02, Amended Table) SUPP 2002-3

(Ord. No. 06-23, 07/11/06, Amended Table) SUPP 2006-3

Sec. 2-216. Fire Department; fees to be deposited with Finance Director.

All fees collected by the fire department under this chapter shall be deposited with the Finance Director. The Financial Director shall account for all fees deposited in accordance with accounting policies and regulations adopted by the city.
(Ord. No. 91-12, 5/14/91)
(Ord. No. 92-17, 4/28/92, Amended)
(Ord. No. 02-42, 6/7/02, Amended) SUPP 2002-2
(Ord. No. 05-31, 6/21/05, Amended) SUPP 2005-2

Sec. 2-217. Finance department; fees required; sales tax lists, photocopies.

(a) The finance department shall collect from each person requesting the services set forth in this section the following fees:

See Table 2-217.

(b) The finance department shall charge each person the fees contained in this code, which shall be revised no later than March 31, 1993 and annually thereafter.
(Ord. No. 91-12, 5/14/91)
(Ord. No. 92-17, 4/28/92, Amended)
(Ord. No. 94-75, 11/15/94, Amended)
(Ord. No. 02-42, 6/7/02, Amended) SUPP 2002-2
(Ord. No. 02-64, 7/9/02, Amended Table) SUPP 2002-3

Sec. 2-218. Repealed
(Ord. No. 91-12, 5/14/91)
(Ord. No. 92-17, 4/28/92, Amended)
(Ord. No. 94-75, 11/15/94, Amended)
(Ord. No. 02-42, 6/7/02, Amended) SUPP 2002-2
(Ord. No. 02-64, 7/9/02, Amended Table) SUPP 2002-3
(Ord. No. 04-205, 12/14/2004, Repealed) SUPP 2004-4

Sec. 2-219. Finance department, revenue management division.

(a) All fees collected by the revenue management division of the finance department under this code shall be deposited with the Finance Director. The revenue management division shall collect from each person filing an application for a license or a transfer of a license the following fees:

See Table 2-219.

(b) The revenue management division may issue a business license for a one-year period commencing on the date of the application, the license shall be in effect for a full year period.

(c) The revenue management division shall charge each person the fees contained in this code, which shall be revised annually.
(Ord. No. 91-12, 5/14/91)
(Ord. No. 92-17, 4/28/92, Amended)
(Ord. No. 94-75, 11/15/94, Amended (b))
(Ord. No. 02-42, 6/7/02, Amended) SUPP 2002-2
(Ord. No. 02-64, 7/9/02, Amended Table) SUPP 2002-3
(Ord. No. 03-180, 12/2/03, Amended Table 2-219) SUPP 2003-4
(Ord. No. 04-21, 5/4/04, Amended Table 2-219) SUPP 2004-3
(Ord. No. 05-31, 6/21/05, Amended) SUPP 2005-2

Sec. 2-220. Police department; fees required.

(a) The police department shall collect from each person filing an application for a permit, or requesting services by the city the following fees:

See Table 2-220.

(Ord. No. 91-12, 5/14/91)
(Ord. No. 92-17, 4/28/92, Amended)
(Ord. No. 94-75, 11/15/94, Amended)
(Ord. No. 02-64, 7/9/02, Amended Table) SUPP 2002-3

Sec. 2-221. Police department; fees to be deposited with Finance Director.

All fees collected by the police department under this code shall be deposited with the Finance Director. The Finance Director shall account for all fees deposited in accordance with accounting policies and regulations adopted by the city.
(Ord. No. 91-12, 5/14/91)
(Ord. No. 92-17, 4/28/92, Amended)
(Ord. No. 02-42, 6/7/02, Amended) SUPP 2002-2
(Ord. No. 05-31, 6/21/05, Amended) SUPP 2005-2

Sec. 2-222. Public Works Department; fleet and facilities charges; dial a ride program.

(a) The finance department shall collect the following fees from each person using the City's Dial-a-Ride program:

See Table 2-222.

(Ord. No. 91-12, 5/14/91)
(Ord. No. 91-34, 10/21/91)
(Ord. No. 92-17, 4/28/92, Amended)
(Ord. No. 99-94, 9/1/99, Amended) SUPP 1999-3
(Ord. No. 02-42, 6/7/02, Amended) SUPP 2002-2

Sec. 2-223. Utilities Department; industrial waste charges.

(a) The finance department shall collect the following permit fees from each person owning a lot within the city that discharges wastewater into the city's wastewater disposal system and is subject to the city's industrial pre-treatment standards:

See Table 2-223.

(b) The finance department shall charge each person the fees contained in this code, which shall be revised annually.
(Ord. No. 91-12, 5/14/91)
(Ord. No. 92-17, 4/28/92, Amended)
(Ord. No. 99-94, 9/1/99, Amended) SUPP 1999-3
(Ord. No. 02-42, 6/7/02, Amended) SUPP 2002-2

Sec. 2-224. Utilities Department; service connect and termination charges.

(a) The finance department shall collect from each person requesting the commencement of the city services listed below the following fees prior to the commencement of service or the following charges on a monthly basis upon the City Utility Bill, whichever is applicable. Such charges for payment purposes shall be treated as if incurred by the person for the provision of utility services:

See Table 2-224.

(b) The finance department shall charge each person the fees contained in this code, which may be revised annually.

(c) Notwithstanding this section, the city council or city manager may waive the deposit requirements of this section for any customer of a private utility acquired by the City of Peoria which imposed a deposit requirement on its customers.
(Ord. No. 91-12, 5/14/91)
(Ord. No. 91-39, 11/12/91)
(Ord. No. 92-03, 2/11/92, Enacted)

(Ord. No. 92-17, 4/28/92, Amended)
(Ord. No. 92-29, 7/7/92, Amended)
(Ord. No. 92-31, 7/7/92, Amended)
(Ord. No. 99-94, 9/1/99, Amended) SUPP 1999-3
(Ord. No. 02-42, 6/7/02, Amended) SUPP 2002-2
(Ord. No. 02-64, 7/9/02, Amended Table) SUPP 2002-3
(Ord. No. 04-196, 9/21/04, Amended Table) SUPP 2004-3
(Ord. No. 07-38, 11/20/07, Repealed existing Table 2-224(a) in entirety, Enacted new Table 2-224, Section 2-224 Pages 1-4, Tables.44-49) SUPP 2007-4
(Ord. No. 2010-35, 12/7/2010, Amended) SUPP 2010-4

Sec. 2-225. Utilities Department; fees to be deposited with Finance Director.

All fees collected by the Finance or Utilities Department under this code shall be deposited with the Finance Director. The Finance Director shall account for all fees deposited in accordance with accounting policies and regulations adopted by the city.
(Ord. No. 91-12, 5/14/91)
(Ord. No. 92-17, 4/28/92, Amended)
(Ord. No. 99-94, 9/1/99, Amended) SUPP 1999-3
(Ord. No. 02-42, 6/7/02, Amended) SUPP 2002-2
(Ord. No. 05-31, 6/21/05, Amended) SUPP 2005-2

Sec. 2-226. Reserved.
(Ord. No. 92-29, 7/7/92, Enacted)
(Ord. No. 92-31, 7/7/92, Amended)
(Ord. Nos. 92-29, 92-31, 7/7/92, Section 2-226, Repealed, effective 7/1/93)

Sec. 2-227. Office of Communications; fees, filming permit application.

(a) The Office of Communications shall charge each person filing an application with the City for issuance or renewal of a filming permit the following fees:

See Table 2-227.

(Ord. No. 06-41, 11/14/06, Enacted) SUPP 2006-4
(Ord. No 2010-32, 11/16/2010, Amended) SUPP 2010-4

Secs. 2-228 through 2-234. Reserved.
(Ord. No. 91-12, 5/14/91)
(Ord. No. 92-29, 7/7/92, Amended)
(Ord. No. 06-41, 11/14/06, Amended) SUPP 2006-4

Sec. 2-235. Authority of Finance Director.

(a) The Finance Director with the approval of the city manager shall be empowered to enter into contracts with credit reporting agencies doing business in this state for the purpose of reporting non-payment of fees and assessments imposed under this chapter.

(b) All contracts entered into under this section shall comply with the requirements of title 15, United States Code, and Title 44, Arizona Revised Statutes pertaining to the responsibilities of credit reporting subscribers and credit reporting agencies.
(Ord. No. 91-12, 5/14/91)
(Ord. No. 02-42, 6/7/02, Amended) SUPP 2002-2
(Ord. No. 05-31, 6/21/05, Amended) SUPP 2005-2

Sec. 2-236. Reporting of unpaid assessments; charges; fees; and interest.

(a) Any department of the city required to collect fees under this chapter shall file a monthly report to the Finance Director of all fees which are delinquent. The Finance Director may prescribe forms and administrative regulations for this purpose.

(b) All assessments, charges, and fees imposed under this chapter which are delinquent more than thirty (30) days from the date which such assessments, charges and fees were imposed shall be subject to a finance charge not to exceed one and three quarters percent (1.75%) per month on the unpaid balance as determined by the Finance Director based on prevailing rates charged in the private sector and, unless otherwise specified in this code.

(c) Upon receipt of the monthly report provided by this section, the Finance Director may send a written statement to each person owing an assessment, charge or fee to the city imposed under this chapter. The statement shall include:

(1) A description of the service provided by the city.
(2) The date the service was provided.
(3) The amount of the assessment, charge, or fee unpaid.
(4) The amount of the finance charge assessed and the total balance.
(5) The due date for payment on the statement which shall be twenty (20) days after the date of the statement.
(6) A notice that if the statement remains unpaid, all delinquent amounts due and owing will be added as a surcharge on the utilities account which the individual maintains with the city.

(d) In the event that the statement prepared by the Finance Director is not paid in full by the due date, the Finance Director shall add all amounts unpaid, together with the monthly finance charge, to the next and each succeeding month thereafter as a surcharge until all amounts are paid in

full.

(e) An individual may file an appeal of the surcharge in the manner provided by this code. Failure to file an appeal shall constitute a waiver of any right to contest the validity of the surcharge.

(f) The Finance Director may terminate utility service for unpaid surcharges after their validity is determined or a waiver has occurred in the same manner as termination of utility service for unpaid utility billings.
(Ord. No. 91-12, 5/14/91)
(Ord. No. 02-42, 6/7/02, Amended) SUPP 2002-2
(Ord. No. 05-31, 6/21/05, Amended) SUPP 2005-2

Sec. 2-237. Appeal of Surcharges.

(a) Any individual who has received a utility billing from the city indicating the addition of a surcharge for unpaid assessments, charges or fees may appeal the surcharge to the Finance Director as provided in this section.

(b) An individual shall appeal the addition of a surcharge in writing. The appeal shall be submitted to the Finance Director within twenty (20) days of the date of mailing of the utility billing. The appeal shall contain:

(1) Specific reasons, if any why the surcharge is not due and owing to the city.

(2) The appeal required in paragraph (1) shall be received by the Finance Director within the time specified. If the report is not timely submitted, any notified party shall be deemed to have waived his right to any further review or hearing as provided herein and shall be assessed, pursuant to paragraph (4) of this subsection.

(3) If the appeal required by paragraph (1) is submitted, the Finance Director shall review the appeal and the specific defenses, if any, set forth in the appeal to the initial imposition of a surcharge. If it is determined that a valid defense to the initial surcharge has been set forth, a notice will be sent to all notified parties that no surcharge will be made at that time. The notice shall specifically set forth the findings and conclusions of the finance director with respect to the review of the report submitted.

(4) If the Finance Director determines that a defense to the initial imposition of a surcharge for assessments, charges, and fees owed to the city has not been set forth, notice shall be sent by mail to the individual that they will continue to be subject to a surcharge on their utility bills. The notice shall contain specific findings and conclusions of the finance director with respect to the review of the appeal submitted.

(Ord. No. 91-12, 5/14/91)
(Ord. No. 02-42, 6/7/02, Amended) SUPP 2002-2
(Ord. No. 05-31, 6/21/05, Amended) SUPP 2005-2

Secs. 2-238. through 2-300. Reserved.
(Ord. No. 91-09, 2/12/91)
(Ord. No. 91-12, 5/14/91)

Sec. 2-301. Procurement code; title.

Sections 2-301 through 2-327 shall be known and may be cited as the "Procurement Code of the City of Peoria, Arizona."
(Ord. No. 91-09, 2/12/91)
(Ord. No. 99-13, 4/6/99, Amended) SUPP 1999-2

Sec. 2-302. Procurement code; purpose.

The purpose of the Procurement Code is:

(1). Interpretation.

This Code shall be construed and applied to promote its underlying purposes and policies.

(2) Purposes and Policies.

The underlying purposes and policies of this Code are:

(a) to simplify, clarify, and modernize the law governing procurement by the City;

(b) to permit the continued development of procurement policies and practices;

(c) to make as consistent as possible the procurement laws among the various jurisdictions;

(d) to provide for increased public confidence in the procedures followed in public procurement;

(e) to ensure the fair and equitable treatment of all persons who deal with the procurement system of the City;

(f) to provide increased economy in City procurement activities and to maximize to the fullest extent practicable the purchasing value of public funds of the City;

(g) to foster effective broad-based competition within the free enterprise system;

(h) to provide safeguards for the maintenance of a procurement system of quality and integrity; and

(i) to obtain in a cost-effective and responsive manner the materials, services, and construction required by the City in order for those departments to better serve the City's businesses and residents.

(3) Singular-Plural and Gender Rules.

In this Code, unless the context requires otherwise:

(a) words in the singular number include the plural, and those in the plural include the singular; and

(b) words of a particular gender include any gender and the neuter, and when the sense so indicates, words of the neuter gender may refer to any gender.

ABA Model Procurement Code Reference 01-101

(Ord. No. 91-09, 2/12/91)
(Ord. No. 99-13, 4/6/99, Amended) SUPP 1999-2
(Ord. No. 01-165, 10/16/01, Amended) SUPP 2001-3
(Ord. No. 08-01, 01/15/08, Amended) SUPP 2008-1

Sec. 2-302.1. Supplementary general principles of law applicable.

Unless displaced by the particular provisions of this Code, the principles of law and equity, including the Uniform Commercial Code of this State, the law merchant, and law relative to capacity to contract, agency, fraud, misrepresentation, duress, coercion, mistake, or bankruptcy shall supplement the provisions of this Code.
ABA Model Procurement Code Reference 01-102
(Ord. No. 08-01, 01/15/08, Enacted) SUPP 2008-1

Sec. 2-302.2. Requirement of good faith.

This Code requires all parties involved in the negotiation, performance, or administration of City contracts to act in good faith.
ABA Model Procurement Code Reference 01-103
(Ord. No. 08-01, 01/15/08, Enacted) SUPP 2008-1

Sec. 2-302.3. Effective date.

This Code shall become effective thirty (30) days after Council action to adopt.
ABA Model Procurement Code Reference 01-109
(Ord. No. 08-01, 01/15/08, Enacted) SUPP 2008-1

Sec. 2-303. Procurement; general policy.

The city shall procure all supplies, materials, equipment and services, deemed necessary for the delivery of quality services to its citizens, using best procurement practices. A history of each procurement transaction will be maintained through the use of purchase requisitions, purchase orders, petty cash vouchers, procurement cards and/or automated procurement system. Every effort will be made to obtain all supplies, materials, equipment and services at the most economical prices available.
(Ord. No. 91-09, 2/12/91)
(Ord. No. 99-13, 4/6/99, Amended) SUPP 1999-2
(Ord. 01-165, 10/16/01, Amended) SUPP 2001-3

Sec. 2-304. Procurement Code; application.

(1) General Application.

This Code applies only to contracts solicited or entered into after the effective date of this Code unless the parties agree to its application to a contract solicited or entered into prior to the effective date.

(2) Application to City Procurement.

This Code shall apply to agreements, revenue generating contracts and every expenditure of public funds irrespective of their source, including federal assistance monies except as otherwise specified in compliance with Federal Requirements, by this City, acting through a governmental body as defined herein, under any contract, except that this Code shall not apply to either grants, or contracts between the City or other governments, except as provided herein. It shall also apply to inventory and the disposal of City supplies, materials and equipment. Nothing in this Code or in the procurement guidelines promulgated hereunder shall prevent the City from complying with the terms and conditions of any grant, gift, bequest, or cooperative agreement.

(3) Requisitions.

A department shall file with materials management, requisitions stating the requirements for supplies and services. Requisitions for capital outlay shall be in accordance with the City's adopted budget guidelines and codes. The approval shall certify that there is to the credit of the using agency a sufficient unencumbered appropriation balance to defray the amount of such order. Materials Management may not issue an order for delivery until the department has filed the requisition for the requirement.

The City Manager or his designee may promulgate policies or guidelines requiring justification of expenditures prior to the processing of requisitions for capital outlay and any other services not approved within a departmental budget.

(4) Unauthorized purchases, violation, enforcement

Except as provided in this code, it shall be improper for any city employee to order the purchase of supplies or services or to attempt to enter into contracts within the purview of this code other than through materials management and purchase orders or contracts made contrary to the provisions hereof shall not be approved by Materials Management and the city shall not be bound thereby. Further, the City Manager or his designee may impose discipline on employees who violate this code in accordance with the City’s codes and personnel administrative regulations.

A person who contracts for or purchases any materials, services or construction in a manner contrary to the requirements of this code or violates the ethical standards contained in this code shall be personally liable for the recovery of all public monies paid, together with legal interest and all costs, attorney's fees and damages arising out of the violation. Further, the City Manager or his designee may impose discipline on employees who contracted for or purchased any materials, services of construction in a manner contrary to the requirements of this code or engages in violations of the ethical standards contained in this code in accordance with the City's codes and personnel administrative regulations. The City Attorney shall assist Materials Management in enforcing the provisions of this code.
ABA Model Procurement Code Reference 01-104
State Law Reference A.R.S. §9-500.05. Development Agreements
(Ord. No. 91-09, 2/12/91)
(Ord. No. 99-13, 4/6/99, Amended (a), (b), (d) and added (g)) SUPP 1999-2
(Ord. No. 01-165, 10/16/01, Amended) SUPP 2001-3
(Ord. No. 08-01, 01/15/08, Enacted) SUPP 2008-1

Sec. 2-305. Procurement; confidential information.

(a) If a person believes that a bid, proposal, offer, or specification contains information that should be withheld from public disclosure, a statement advising the materials manager of this fact and the basis for exemption from such disclosure shall accompany this submission and the information shall be specifically identified wherever it appears.

(b) The materials manager shall make a determination whether the information shall be subject to public disclosure and shall advise in writing the party submitting the information of their determination.
(Ord. No. 91-09, 2/12/91)
(Ord. No. 99-13, 4/6/99, Amended (a) and (b)) SUPP 1999-2

Sec. 2-306. Procurement; definitions.

The words defined in this Section shall have the meanings set forth below whenever they appear in this Code, unless:

(a) the context in which they are used clearly requires a different meaning; or

(b) a different definition is prescribed for a particular Article or provision.
Blind Trust means an independently managed trust in which the employee-beneficiary has no management rights and in which the employee-beneficiary is not given notice of alterations in, or other dispositions of, the property subject to the trust.

Business means any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or any other private legal entity.

Change Order means a written order signed by the Procurement Officer, directing the contractor to make changes which the Changes clause of the contract authorizes the Procurement Officer to order without the consent of the contractor.

Code means this Procurement Code, Peoria City Code Sections 2-301 to 2-399.

Cooperative Purchasing means procurement conducted by, or on behalf of, one or more Public Procurement Units, as defined in this Code.

Confidential Information means any information which is available to an employee only because of the employee's status as an employee of this city and is not a matter of public knowledge or available to the public on request.

Conspicuously means written in such special or distinctive format, print, or manner that a reasonable person against whom it is to operate ought to have noticed it.

Construction means the process of building, altering, repairing, improving, or demolishing any public infrastructure facility, including any public structure, public building, or other public improvements of any kind to real property. It does not include the routine operation, routine repair, or routine maintenance of any existing public infrastructure facility, including structures, buildings, or real property.

Contract means all types of city agreements, regardless of what they may be called, for the procurement or disposal of supplies, services, or construction.

Contract Modification means any written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity, or other provisions of any contract accomplished by mutual action of the parties to the contract.

Contractor means any person having a contract with a governmental body.

Cost-Reimbursement Contract means a contract under which a contractor is reimbursed for costs which are allowable and allocable in accordance with the contract terms and the provisions of this Code, and a fee, if any.

Data means recorded information, regardless of form or characteristic.

Designee means a duly authorized representative of a person holding a superior position.

Debarment: the disqualification of a vendor to receive invitations for bids or the award of a contract by the city for a specified period of time, not to exceed three (3) years, commensurate with the seriousness of the offense resulting from conduct or failure or inadequacy of performance.

Direct or Indirect Participation means involvement through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity.

Electronic means electrical, digital, magnetic, optical, electromagnetic, or any other similar technology.

Employee means an individual drawing a salary from a governmental body, whether elected or not, and any non-compensated individual performing personal services for any governmental body.

Emergency purchase procurement when supplies or services are needed for a situation where the health, safety or welfare of the public is endangered if immediate corrective or preventative action is not taken.

Exempt Purchase means a procurement that the City Manager or his designee, up to an amount specified in this code, has determined that the best interest of the city requires being exempt from this code.

Established Catalogue Price means the price included in a catalogue, price list, schedule, or other form that:

(a) is regularly maintained by a manufacturer or contractor;

(b) is either published or otherwise available for inspection by customers; and

(c) states prices at which sales are currently or were last made to a significant number of any categories of buyers or buyers constituting the general buying public for the supplies or services involved.

Excess Supplies means any supplies other than expendable supplies having a remaining useful life but which are no longer required by the Using Agency in possession of the supplies.

Expendable Supplies means all tangible supplies other than nonexpendable supplies.

Financial Interest means:

(a) ownership of any interest or involvement in any relationship from which, or as a result of which, a person within the past year has received, or is presently or in the future entitled to receive compensation

(b) ownership of such interest in any property or any business or

(c) holding a position in a business such as an officer, director, trustee, partner, employee, or the like, or holding any position of management.

Governmental Body means any department, commission, council, board, bureau, committee, institution, legislative body, agency, government corporation, or other establishment or official of the executive, legislative, or judicial branch of this City.

Grant means the furnishing by the City of assistance, whether financial or otherwise, to any person to support a program authorized by law. It does not include an award whose primary purpose is to procure an end product, whether in the form of supplies, services, or construction; a contract resulting from such an award is not a grant but a procurement contract.

Gratuity means a payment, loan, subscription, advance, deposit of money, services, or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value is received.

Immediate Family means a spouse, children, parents, brothers and sisters, etc.

Invitation for Bids means all documents, whether attached or incorporated by reference, utilized for soliciting bids.

Local Public Procurement Unit means any county, city, town, and any other subdivision of the State or public agency of any such subdivision, public authority, educational, health, or other institution, and

to the extent provided by law, any other entity which expends public funds for the procurement of supplies, services, and construction, and any nonprofit corporation operating a charitable hospital.

Local vendor means a vendor having an office within the corporate limits of the city.

Materials Manager means the person holding the position of the Materials Manager, as the head of the central procurement office of the City.

May denotes the permissive.

Nonexpendable Supplies means all tangible supplies having an original acquisition cost of over $100 per unit and a probable useful life of more than one year.

Official Responsibility means direct administrative or operating authority, whether intermediate or final, either exercisable alone or with others, either personally or through subordinates, to approve, disapprove, or otherwise direct city action.

Person means any business, individual, union, committee, club, other organization, or group of individuals.

Procurement means buying, purchasing, renting, leasing, or otherwise acquiring any supplies, services or construction. It also includes all functions that pertain to the obtaining of any supply, service, or construction, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.

Procurement Officer means any person duly authorized to enter into and administer contracts and make written determinations with respect thereto. The term also includes an authorized representative acting within the limits of authority.

Professional Services are services of those individuals, regardless of whether self employed or employed within a business entity, who through special learning or attainment have acquired intellectual skills and qualifications in a particular area of endeavor that has been generally accepted as a profession and which requires a prolonged course of specialized instruction and study, including: architects; attorneys; certified public accountants; clergy; construction and project managers; dentists; engineers; geologists; physicians; nurses; psychologists; teachers; veterinarians and health care facilities which provide a combination of professional and para-professional services.

Public Notice means the distribution or dissemination of information to interested parties using methods that are reasonably available. Such methods will often include publication in newspapers of general circulation, electronic or paper mailing lists, and web site(s) designated by the city and maintained for that purpose.

Public Procurement Unit means any one of the following:

(a) a Local Public Procurement Unit,
(b) a State Public Procurement Unit, and
(c) any not-for-profit entity comprised of more than one Unit or Activity listed in subparagraphs (a), (b), or (c)
(d) any Federal Agency.

Purchase Request means that document whereby a Using Agency requests that a contract be entered into for a specified need, and may include, but is not limited to, the technical description of the requested item, delivery schedule, transportation, criteria for evaluation, suggested sources of supply, and information supplied for the making of any written determination required by this Code.

Purchasing Agency means any department other than Materials Management which is authorized by this Code or its implementing regulations, or by way of delegation from the Materials Manager, to enter into contracts.

Purchase Description means the words used in a solicitation to describe the supplies, services, or construction to be purchased, and includes specifications attached to, or made a part of the solicitation.

Regulation means a governmental body's statement, having general or particular applicability and future effect, designed to implement, interpret, or prescribe law or policy, or describing organization, procedure, or practice requirements, which has been promulgated in accordance with the City Procurement Code.

Request for Proposals means all documents, whether attached or incorporated by reference, utilized for soliciting proposals.

Responsible Bidder or Offeror means a person who has the capability in all respects to perform fully the contract requirements, and the integrity and reliability which will assure good faith performance.

Responsive Bidder means a person who has submitted a bid which conforms in all material respects to the Invitation for Bids or Request for Proposals.

Services means the furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end product other than reports which are merely incidental to the required performance. This term shall not include employment agreements or collective bargaining agreements.

Shall denotes the imperative.

Signature means a manual or electronic identifier, or the electronic result of an authentication technique attached to or logically associated with a record that is intended by the person using it to have the same force and effect as a manual signature.

Specification means any description of the physical or functional characteristics, or of the nature of a supply, service, or construction item. It may include a description of any requirement for inspecting, testing, or preparing a supply, service, or construction item for delivery.

Supplies means all property, including but not limited to equipment, materials, printing, insurance, and leases of real property, excluding land or a permanent interest in land.

Surplus Supplies means any supplies other than expendable supplies no longer having any use to the city. This includes obsolete supplies, scrap materials, and nonexpendable supplies that have completed their useful life cycle.

State Public Procurement Unit means the Office of the Chief Procurement Officer of this or any other State and any other Purchasing Agency of this State or any other State.

Using Agency means any governmental body of the city which utilizes any supplies, services, or construction procured under this Code.

Written or In Writing means the product of any method of forming characters on paper, other materials, or viewable screens, which can be read, retrieved, and reproduced, including information that is electronically transmitted and stored.
ABA Model Procurement Code Reference 01-301
(Ord. No. 91-09, 2/12/91)
(Ord. No. 99-13, 4/6/99, Amended, adding (h) amending existing (i), (j), (m), (q) and added (w)
(Ord. No. 02-42, 6/7/02, Amended) SUPP 2002-2
(Ord. No. 08-01, 01/15/08, Amended) SUPP 2008-1

Sec. 2-306.1. Public Access to Procurement Information.

Procurement information shall be a public record to the extent provided in Arizona Revised Statutes Title 39 and shall be available to the public as provided in such statute.

ABA Model Procurement Code Reference 01-401
(Ord. No. 08-01, 01/15/08, Enacted) SUPP 2008-1

Sec. 2-306.2. Authorization for the Use of Electronic Transmissions.

The use of electronic media, including acceptance of electronic signatures, is authorized consistent with best business practices. applicable statutory, regulatory or other guidance for use of such media, so long as such guidance provides for:

(a) appropriate security to prevent unauthorized access to the bidding, approval, and award processes; and

(b) accurate retrieval or conversion of electronic forms of such information into a medium which permits inspection and copying.

ABA Model Procurement Code Reference 01-501
(Ord. No. 08-01, 01/15/08, Enacted) SUPP 2008-1

Sec. 2-307. Procurement; materials management.

Except as otherwise provided in this code, all rights, powers, duties, and authority relating to the procurement of supplies, services, and construction, and the management, control, warehousing, sale, and disposal of supplies, services, and construction now vested in, or exercised by the city are hereby transferred to the Materials Manager, as provided in this Code.

There shall be a section within the Finance Department that shall be designated Materials Management. Materials Management shall in accordance with the provisions of this code manage and procure all materials and services on behalf of the city. Materials Management shall be responsible for the inventory and disposal of materials, supplies and equipment.

The Materials Manager shall have general supervision of the materials management and inventory control divisions, and shall have the responsibility and authority to:

(1) Procure and contract for supplies and services including rentals, service agreements, and leases needed by any city governmental unit, in accordance with purchasing procedures as prescribed by this code and such guidelines as the Materials Manager shall adopt for the internal management and operation of the materials management and inventory control divisions and such other rules and regulations as shall be prescribed by the city manager. The authority of the Materials Manager to make procurement and contract for all using agencies shall not be abridged by exempting any using agency, except in accordance with the provisions of this code.

(2) To establish and amend, all guidelines, forms and rules authorized by this code and any others necessary to its operation.

(3) To provide signature authority for city generated purchase orders.

(4) To execute small dollar and other administratively executed contracts on behalf of the city.

Budgeted line items specifically identifying products or services, which have been approved by the City Council in the formal review and adoption process of the annual budget of the city, and for which an award is within the allocated expenditure, may be administratively executed by the Materials Manager.
Awards that exceed the allocated expenditure or deviate from the identified description and/or scope within the annual budget of the city shall require Council approval.

(5) To have the authority to suspend or debar vendors.

(6) To have the authority to resolve disputes related to contracts

(7) To cooperate with City functions in all procurement subject to the provisions of the Arizona Public Works Statutes contained in Title 34, Arizona Revised Statutes.

(8) To inform city employees and contractors of the ethical standards for public contracting contained in this code and to enforce these standards as provided in this code.

(9) The Materials Manager shall have the authority to refuse an award to any vendor or contractor who is in default on the payment of taxes, licenses or other moneys due the city, state, or federal government or that has litigation or threatened litigation at the time set for opening the bid or proposal. All vendors and contractors must be in compliance, at the time set for opening the bid or proposal, with all applicable state licensing laws, rules and regulations.

ABA Model Procurement Code Reference 02-301
State Law Reference, A.R.S. §§34-101, et seq., Public Buildings and Improvements.
(Ord. No. 91-09, 2/12/91)
(Ord. No. 99-13, 4/6/99, Amended (a) and (b)) SUPP 1999-2
(Ord. No. 01-165, 10/16/01, Amended) SUPP 2001-3
(Ord. No. 02-42, 6/7/02, Amended) SUPP 2002-2
(Ord. No. 08-01, 01/15/08, Amended) SUPP 2008-1

Sec. 2-307.1. Authority to contract for legal services.

This code is not applicable to contracts for professional witnesses or legal services, if the purposes of such services are to provide for professional services relating to an existing or probable lawsuit in which this city is or may become a party or to contract for special investigative services for law enforcement or administrative investigation purposes.
ABA Model Procurement Code Reference 02-302
(Ord. No. 08-01, 1/15/08 Enacted) SUPP 2008-1

Sec. 2-307.2. Exemptions from the procurement code.

This code does not apply to contracts between this city, other political subdivisions and the State of Arizona, except as provided in this code.

This code does not apply to development agreements, as defined in Arizona Revised Statutes or contracts for the purchase or sale of real property and ancillary services related thereto, such as title insurance, appraisals or environmental assessments to the extent that they are negotiated as part of the contract for purchase or sale of real property.

State Law Reference A.R.S. §9-500.05. Development Agreements
ABA Model Procurement Code Reference 02-303
(Ord. No. 08-01, 01/15/08, Enacted) SUPP 2008-1

Sec. 2-307.3. City procurement guidelines.

The Materials Manager may promulgate standard forms and contractual provisions to facilitate and standardize compliance with this code. The Materials Manager may modify or delete existing and add new contractual provisions and clauses for all forms of supply and service contracts utilized by the city, provided that such modifications are consistent with this code.

The Materials Manager may modify the contractual provisions and clauses for any individual contract, provided that any modifications are supported by a written determination that states the circumstances justifying the modification and that notice of any material modification are stated in the solicitation.
ABA Model Procurement Code Reference 02-401
(Ord. No. 08-01, 01/15/08, Enacted) SUPP 2008-1

Sec. 2-307.4. Methods of source selection.

No contract or procurement shall be subdivided to avoid the requirements of this section. Unless otherwise authorized by code, all city contracts shall be awarded by one of the following methods:

(a) Section 3-202 (Competitive Sealed Bidding);
(b) Section 3-203 (Competitive Sealed Proposals);
(c) Section 3-204 (Small Purchases);
(d) Section 3-205 (Sole Source Procurement);
(e) Section 3-206 (Emergency Procurements);
(f) Section 3-207 (Single Source Procurements);

The Materials Manager shall have the authority to determine the method of source selection that will be most practicable and advantageous to the city for all procurements.
ABA Model Procurement Code Reference 03-101
(Ord. No. 08-01, 01/15/08, Enacted) SUPP 2008-1

Sec. 2-307.5. Delegation of authority by the Materials Manager.

Subject to regulations, the Materials Manager may delegate authority to designees or to any department, agency, or official.
ABA Model Procurement Code Reference 02-205
(Ord. No. 08-01, 01/15/08, Enacted) SUPP 2008-1

Sec. 2-308. Procurement; standards and specifications.

The procurement guidelines shall set standards for the preparation, maintenance, and content of specifications for supplies, services, and construction required by the city.
ABA Model Procurement Code Reference 04-201
(Ord. No. 91-09, 2/12/91)
(Ord. No. 99-13, 4/6/99, Added (b)) SUPP 1999-2
(Ord. No. 08-01, 1/15/08, Amended deleted (a) and (b)) SUPP 2008-1

Sec. 2-308.1. Duties of the Materials Manager.

The Materials Manager shall monitor the use of specifications for supplies, services, and construction required by the City.
ABA Model Procurement Code Reference 4-202
(Ord. No. 08-01, 1/15/08, Enacted) SUPP 2008-1

Sec. 2-308.2. Maximum practicable competition.

All specifications shall seek to promote overall economy for the purposes intended and encourage competition in satisfying the city's needs, and shall not be unduly restrictive. There exists opportunities for applying standardization in the procurement of equipment or product.
ABA Model Procurement Code Reference 4-205
(Ord. No. 08-01, 1/15/08, Enacted) SUPP 2008-1

Sec. 2-308.3. Specifications Prepared by Other Than City Personnel.

The requirements of this Article regarding the purposes and non-restrictiveness of specifications shall apply to all specifications assisted in or prepared other than by city personnel, including, but not limited to, those prepared by architects, engineers, and designers.

Any one participating in the preparation of plans and/or specifications for solicitations can not be a party to the bidding or proposing on that particular solicitation where those plans and specifications are included.
ABA Model Procurement Code Reference 4-206
(Ord. No. 08-01, 1/15/08, Enacted) SUPP 2008-1

Sec. 2-309. Procurement; inspection and testing.

The city may, at reasonable times, inspect the part of the plant or place of business of a contractor or any subcontractor which is related to the performance of any contract awarded or to be awarded by the city.

The Materials Manager shall have authority to require chemical and physical tests of samples submitted and sample of deliveries, which are necessary to determine their quality and conformance with the specifications. In the performance of such tests, the Materials Manager shall have the authority to make use of laboratory facilities of any agency of the city or any outside laboratory.

The Materials Manager shall have authority to monitor and inspect the performance of a contractor at the using agency to determine compliance to service specifications.

The Materials Manager shall have authority to require the supplier to submit certificates of compliance or conformance as evidence of acceptability.

Inspections and testing related to construction projects shall be the responsibility of the using department.
ABA Model Procurement Code Reference 03-601
(Ord. No. 91-09, 2/12/91)
(Ord. No. 99-13, 4/6/99, Amended to add (a)(4) and (a)(5)) SUPP 1999-2
(Ord. No. 08-01, 1/15/08, Amended) SUPP 2008-1

Sec. 2-309.1. Right to Audit Records.

The city may, at reasonable times and places, audit the books and records of any person who has submitted data in substantiation of offered prices to the extent that such books and records relate to that data. Any person who receives a contract, change order, or contract modification for which such data is required, shall maintain such books and records that relate to such cost or pricing data for three years from the date of final payment under the contract, unless a shorter period is otherwise authorized in writing.

The city shall be entitled to audit the books and records of a contractor or any subcontractor under any negotiated contract or subcontract other than a firm fixed-price contract to the extent that such books and records relate to the performance of such contract or subcontract. Such books and records shall be maintained by the contractor for a period of three years from the date of final payment under the prime contract and by the subcontractor for a period of three years from the date of final payment under the subcontract, unless a shorter period is otherwise authorized in writing.
ABA Model Procurement Code Reference 3-602
(Ord. No. 08-01, 1/15/08, Enacted) SUPP 2008-1

Sec. 2-310. Reserved.
(Ord. No. 91-09, 2/12/91)
(Ord. No. 99-13, 4/6/99, Amended) SUPP 1999-2
(Ord. 01-165, 10/16/01, Amended) SUPP 2001-3
(Ord. 08-01, 1/15/08, Amended and Reserved) SUPP 2008-1

Sec. 2-311. Procurement code; promulgation; modification of forms and contractual provisions.

The Materials Manager may promulgate standard forms and contractual provisions to facilitate and standardize compliance with this code. The Materials Manager may modify or delete existing and add new contractual provisions and clauses for all forms of supply and service contracts utilized by the city, provided that such modifications are consistent with this code and any other applicable laws.

The Materials Manager may modify the contractual provisions and clauses for any individual contract; provided that any modifications are supported by reasons that justify the modification and that the modifications are included in the solicitation.
ABA Model Procurement Code Reference 06-101
(Ord. No. 91-09, 2/12/91)
(Ord. No. 08-01, 1/15/08, Amended) SUPP 2008-1

Sec. 2-312. Reserved.
(Ord. No. 91-09, 2/12/91)
(Ord. No. 99-13, 4/6/99, Amended) SUPP 1999-2
(Ord. No. 08-01, 1/15/08, Amended and Reserved) SUPP 2008-1

Sec. 2-313. Procurement; formal approved purchase procedure.

(1) *Invitation for Bids.* An Invitation for Bids shall be issued for acquisitions and shall include a purchase description, and all contractual terms and conditions applicable to the procurement.

(2) *Public Notice*. Adequate public notice of the Invitation for Bids shall be given at a minimum of five (5) business days prior to the date set forth therein for the opening of bids, in accordance with the procurement guidelines.

(3) *Bid Opening.* Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the Invitation for Bids. The amount of each bid, and such other
relevant information as may be specified by regulation, together with the name of each bidder shall be recorded; the record and each bid shall be open to public inspection.

(4) *Bid Acceptance and Bid Evaluation*. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this Code. Bids shall be evaluated based on the requirements set forth in the Invitation for Bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable, such as discounts, transportation costs, and total or life cycle costs. The Invitation for Bids shall set forth the evaluation criteria to be used. No criteria may be used in bid evaluation that are not set forth in the Invitation for Bids.

(5) *Correction or Withdrawal of Bids; Cancellation of Awards*. Correction or withdrawal of inadvertently erroneous bids before or after award, or cancellation of awards or contracts based on such bid mistakes, shall be permitted in accordance with regulations. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the city or fair competition shall be permitted. Except as otherwise provided by regulation, all decisions to permit the correction or withdrawal of bids, or to cancel awards or contracts based on bid mistakes, shall be supported by a written determination made by the Materials Manager.

(6) *Rejection of Bids*. Prior to opening or after opening of the bids, the IFB may be delayed or canceled, or any or all bids may be rejected, in whole or in part, by the Materials Manager in the best interest of the city.

(7) *Award.* The contract shall be awarded with reasonable promptness by written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the Invitation for Bids.

(8) *Multi-Step Sealed Bidding*. When it is considered impractical to initially prepare a purchase description to support an award based on price, an Invitation for Bids may be issued requesting the submission of unpriced offers to be followed by an Invitation for Bids limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation.
ABA Model Procurement Code Reference 03-202
(Ord. No. 91-09, 2/12/91)
(Ord. No. 99-13, 4/6/99, Amended)
(Ord. No. 01-165, 10/16/01, Amended) SUPP 2001-3
(Ord. No. 08-01, 1/15/08, Amended) SUPP 2008-1

Sec. 2-313.1. Competitive Sealed Proposals.

(1) *Conditions for Use.*

(a) A contract may be entered into for acquisitions by competitive sealed proposals when the Materials Manager determines, pursuant to the code and guidelines, that the use of competitive sealed bidding is either not practicable or not advantageous to the city.

(b) The code or guidelines may provide that it is either not practicable or not advantageous to the city to procure specified types of supplies, services, or construction by competitive sealed bidding.

(c) Contracts for the design-build, design-build-operate-maintain, design-build-finance-operate-maintain or other project delivery methods for professional services shall be entered into by following Arizona Revised Statutes Title 34.

(2) *Request for Proposals*. Proposals shall be solicited through a Request for Proposals.

(3) *Public Notice.* Adequate public notice of the Request for Proposals shall be given at a minimum of five (5) business days prior to the date set forth therein for the opening of proposals, in accordance with the procurement guidelines.

(4) *Receipt of Proposals.* Proposals shall be opened so as to avoid disclosure of contents to competing offerors during the process of negotiation. A Register of Proposals shall be prepared in accordance with the procurement guidelines, and shall be open for public inspection after contract award. Except to the extent the offeror designates, and the city concurs, trade secrets or other proprietary data contained in the proposal shall remain exempt from public disclosure to the extent permitted by law.

(5) *Evaluation Factors.* The Request for Proposals shall state the relative importance of price and other factors and subfactors, if any. The Materials Manager may appoint a committee to

review qualifications. The committee shall consist of a materials management staff member and one or more individuals.

(6) *Discussion with Responsible Offerors and Revisions to Proposals.* As provided in the Request for Proposals, and under regulations, discussions may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and such revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offers. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors.

(7) *Award.* Award shall be made to the responsive and responsible offeror whose proposal conforms to the solicitation and is determined in writing to be the most advantageous to the city taking into consideration price and the evaluation factors set forth in the Request for Proposals. No other factors or criteria shall be used in the evaluation. The contract file shall contain the basis on which the award is made. Written notice of the award of a contract to the successful offeror shall be promptly given to all offerors.

(8) *Debriefings*. The Procurement Officer is authorized to provide debriefings that furnish the basis for the source selection decision and contract award.
ABA Model Procurement Code Reference 3-203
(Ord. No. 08-01, 1/15/08, Enacted) SUPP 2008-1

Sec. 2-313.2. Cancellation of invitations for bids or requests for proposals.

An Invitation for Bids, a Request for Proposals, or other solicitation may be cancelled, or any or all bids or proposals may be rejected in whole or in part as may be specified in the solicitation, when it is in the best interests of the city in accordance with the code and in accordance with the procurement guidelines.
ABA Model Procurement Code Reference 3-301
(Ord. No. 08-01, 1/15/08, Enacted) SUPP 2008-1

Sec. 2-313.3. Responsibility of bidders and offerors.

(1) *Determination of Nonresponsibility.* A written determination of nonresponsibility of a bidder or offeror shall be made in accordance with regulations. The unreasonable failure of a bidder or offeror to promptly supply information in connection with an inquiry with respect to responsibility may be grounds for a determination of nonresponsibility with respect to such bidder or offeror.

(2) *Right of Nondisclosure*. Confidential information furnished by a bidder or offeror pursuant to this Section shall not be disclosed outside of the Office of the Materials Manager. The Materials Manager shall make a determination whether the information shall be subject to public disclosure.
ABA Model Procurement Code Reference 3-401
(Ord. No. 08-01, 1/15/08, Enacted) SUPP 2008-1

Sec. 2-313.4. Prequalification of suppliers.

Prospective suppliers may be prequalified for particular types of supplies, services, and construction. The method of submitting prequalification information and the information required in order to be prequalified shall be determined by the Materials Manager.
ABA Model Procurement Code Reference 3-402
(Ord. No. 08-01, 1/15/08, Enacted) SUPP 2008-1

Sec. 2-313.5. Substantiation of offered prices.

The Procurement Officer may request factual information reasonably available to the bidder or offeror to substantiate that the price or cost offered, or some portion of it, is reasonable, if:

(1) the price is not:
  (a) based on adequate price competition;
  (b) based on established catalogue or market prices; or
  (c) set by law or regulation; and

(2) the price or cost exceeds an amount established in the regulations.
ABA Model Procurement Code Reference 3-403
(Ord. No. 08-01, 1/15/08, Enacted) SUPP 2008-1

Sec. 2-313.6. Multi-Year Contracts.

Unless otherwise provided by law, a contract for supplies or services may be entered into for any period of time deemed to be in the best interests of the city provided the term of the contract and conditions of renewal or extension, if any, are included in the solicitation and funds are available for the first fiscal period at the time of contracting. Payment and performance obligations for succeeding fiscal periods shall be subject to the availability and appropriation of funds therefore.
A multi-year contract is authorized where:

(a) estimated requirements cover the period of the contract and are reasonably firm and continuing; and

(b) such a contract will serve the best interests of the city by encouraging effective competition or otherwise promoting economies in city procurement.

When funds are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal period, the contract shall be cancelled and the contractor shall be reimbursed for the reasonable value of any non-recurring costs incurred but not amortized in the

price of the supplies or services delivered under the contract. The cost of cancellation may be paid from any appropriations available for such purposes.
ABA Model Procurement Code Reference 3-503
(Ord. No. 08-01, 1/15/08, Enacted) SUPP 2008-1

Sec. 2-314. Procurement; small dollar purchase procedures.

A procurement that is less than fifty thousand dollars ($50,000.00) may be made in accordance with small purchase procedures, provided, however, that procurement requirement shall not be artificially divided so as to constitute a small purchase under this Section. All small dollar purchases will be conducted in accordance with established procurement guidelines.

The City Manager has the discretionary authority to enter into contracts/agreements that are less than fifty thousand dollars ($50,000.00) and based upon the best interest of the city, taking into account factors such as need, confidentiality, and city requirements shall be exempt from the competitive procurement requirements of this code.

All other procurements exceeding a value of fifty thousand ($50,000) dollars will be accomplished through the formal solicitation process.
ABA Model Procurement Code Reference 03-204
(Ord. No. 91-09, 2/12/91)
(Ord. No. 99-13, 4/6/99, Amended (c), (d) (e) renumbered as (b)(1),(b)(2) and (b)(3))

(Ord. No. 01-165, 10/16/01, Amended) SUPP 2001-3
(Ord. No. 08-01, 1/15/08, Amended) SUPP 2008-1

Sec. 2-314.1. Sole source procurement.

A contract may be awarded for a supply or service item without competition when, under regulations, the Materials Manager, in writing that there is only one source for the required supply or service item. Sole Sources in excess of fifty thousand dollars ($50,000) shall be approved by Council.
ABA Model Procurement Code Reference 3-205
(Ord. No. 08-01, 1/15/08, Enacted) SUPP 2008-1

Sec. 2-315. Procurement; Emergency and Exempt Procurement.

Notwithstanding any other provision of this Code, the Materials Manager, the City Manager, or Mayor and Council may make or authorize others to make emergency procurements when there exists a threat to public health, welfare, or safety under emergency conditions as defined in this code; provided that such emergency procurements shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file.
ABA Model Procurement Code Reference 03-206
(Ord. No. 91-09, 2/12/91)
(Ord. No. 99-13, 4/6/99, Amended (a) and (b) Repealed and replaced (c)) SUPP. 1999-2
(Ord. No. 01-165, 10/16/01, Amended) SUPP 2001-3
(Ord. No. 08-01, 1/15/08, Amended) SUPP 2008-1

Sec. 2-315.1. Procurement of infrastructure facilities and services; general.

Any solicitations issued for new construction or renovation of existing infrastructure or the repair and maintenance related to public works shall be accomplished through the requirements of the appropriate Arizona Revised Statute. In the event of a conflict between the provisions of this code and the provisions of Title 34, Arizona Revised Statutes, the provisions of Title 34 shall govern. The provisions of Title 34, Arizona Revised Statutes allow cities to establish limits on projects delivered under the Job Order Contracting delivery method. Therefore, the city adopts through this code a single project limit of three million ($3,000,000) dollars for work accomplished under a JOC.
ABA Model Procurement Code Reference 05-101
(Ord. No. 08-01, 1/15/08, Enacted) SUPP 2008-1

Sec. 2-316. Procurement; retention of professional services.

(a) The City may procure professional services, such as appraisers, real estate and property services; engineers, assayers, geologists and hydrologists, landscape architects, land surveyors, clergy, physicians, attorneys or dentists by developing a list of qualified providers through soliciting statements of qualifications and expressions of interest in providing such services. Such lists of qualified providers shall be updated as Materials Management determines to be reasonable.

(b) The materials manager may appoint a committee to review qualifications. The committee shall consist of the materials manager and one or more professionals licensed, registered or admitted to the profession which is the subject of the procurement. Discussions with offerors who submit proposals may be conducted to determine qualifications for further consideration.

Award shall be made to the offeror determined in writing to be the best qualified. Compensation

shall be negotiated after an award is made.
(Ord. No. 91-09, 2/12/91)
(Ord. No. 99-13, 4/6/99, Amended (a)) SUPP. 1999-2
(Ord. 01-165, 10/16/01, Amended) SUPP 2001-3

Sec. 2-317. Limited source procurement.

Notwithstanding any other provision of this Code, the Materials Manager may initiate a procurement less than the small purchase amount of fifty thousand dollars ($50,000.00) where the officer determines that an unusual or unique situation exists that makes the application of all requirements of competitive sealed bidding or competitive sealed proposals contrary to the public interest. Any special procurement under this Section shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the procurement and for the selection of the particular contractor shall be included by the Materials Manager in the contract file. On purchases above the fifty thousand ($50,000) dollar thresholds the Mayor and Council must authorize the use of a Single Source Procurement.
ABA Model Procurement Code Reference 03-207
(Ord. No. 91-09, 2/12/91)
(Ord. No. 99-13, 4/6/99, Amended (b)
(Ord. No. 01-165, 10/16/01, Amended) SUPP 2001-3
(Ord. No. 08-01, 1/15/08, Amended) SUPP 2008-1

Sec. 2-318. Procurement; cooperative purchasing.

(1) Any Public Procurement Unit may either participate in, sponsor, conduct, or administer a Cooperative Purchasing agreement for the procurement of any supplies, services, or construction with one or more Public Procurement Units in accordance with an agreement entered into between the participants. Such Cooperative Purchasing may include, but is not limited to, joint or multi-party contracts between Public Procurement Units and open-ended Public Procurement Unit contracts that are made available to other Public Procurement Units.

(2) All Cooperative Purchasing conducted under this Article shall be through contracts awarded through full and open competition, including use of source selection methods substantially equivalent to those specified in this Code.
ABA Model Procurement Code Reference 10-201
(Ord. No. 91-09, 2/12/91)
(Ord. No. 99-13, 4/6/99, Amended (c)) SUPP. 1999-2
(Ord. 01-165, 10/16/01, Amended) SUPP 2001-3
(Ord. No. 08-01, 1/15/08, Amended) SUPP 2008-1

Sec. 2-318.1. Sale, acquisition, or use of supplies by a public procurement unit.

Any Public Procurement Unit may sell to, acquire from, or use any supplies belonging to another Public Procurement Unit independent of the requirements of Code Sections affecting Source Selection, Contract Formation, and Supply Management.
ABA Model Procurement Code Reference 10-202
(Ord. No. 08-01, 1/15/08, Enacted) SUPP 2008-1

Sec. 2-318.2. Cooperative use of supplies or services.

Any Public Procurement Unit may enter into an agreement, independent of the requirements of Code Sections affecting Source Selection, Contract Formation, and Supply Management, with any other Public Procurement Unit for the cooperative use of supplies or services under the terms agreed upon between the parties.
ABA Model Procurement Code Reference 10-203
(Ord. No. 08-01, 1/15/08, Enacted) SUPP 2008-1

Sec. 2-318.3. Contract controversies.

Under a Cooperative Purchasing agreement, controversies arising between an administering Public Procurement Unit and its bidders, offerors, or contractors shall be resolved between the ordering Public Procurement Unit and the supplying bidders, offerors, or contractors in accordance with Public Procurement Unit's existing procedures.
ABA Model Procurement Code Reference 10-301
(Ord. No. 08-01, 1/15/08, Enacted) SUPP 2008-1

Sec. 2-318.4. Federal grant procurements.

Any public procurement made by the city using federal funds, in whole or part, must meet the requirements of the Common Grant Rule (Code of Federal Regulations) and/or federal transit law. Specifically, funds from the Federal Transit Administration shall meet those requirements set forth in FTA Circular 4220.1E. Any additional requirements for these acquisitions may be promulgated in the procurement guidelines.
ABA Model Procurement Code Reference 10-20X Federal Grants
(Ord. No. 08-01, 1/15/08, Enacted) SUPP 2008-1

Sec. 2-318.5. Federal Transit Administration's (FTA) Standards of Conduct.

No employee, officer, agent, immediate family member, or Board member of the grantee (or company) shall participate in the selection, award, or administration of a contract supported by the FTA funds if a conflict of interest, real or apparent, would be involved.

Such a conflict would arise when any of the following has a financial or other interest in the firm selected for award:

(1) The employee, officer, agent, or Board member,
(2) Any member of his/her immediate family
(3) His or her partner, or
(4) An organization that employs, or is about to employ, any of the above.

The grantee's (or company's) officers, employees, agents, or Board members will neither solicit nor accept gifts, gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub-agreements. Grantees (or company's) may set minimum rules where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value. To the extent permitted by state or local law or regulations, such standards of conduct will provide for penalties, sanctions, or other disciplinary action for violation of such standards by the grantee's (or company's) officers, or agents, or by contractors or their agents.
ABA Model Procurement Code Reference 10-20X
(Ord. No. 08-01, 1/15/08, Enacted) SUPP 2008-1

Sec. 2-319. Procurement; warehousing stores.

The Materials Manager shall control and supervise warehouses and bulk storage facilities, and shall administer the warehouse inventories. The City Council may budget sufficient funds annually to provide for a fund, which shall function as the warehouse revolving fund.

Supplies to be added into an inventory may be charged against the revolving fund. Requisitions for withdrawal of supplies in an inventory shall be credited to the revolving agency. The Materials Manager shall maintain a perpetual inventory record of warehouse and bulk storage facilities, and be responsible for the receipt, storage, issuance and distribution of supplies contained therein.

All using agencies shall submit to the Materials Manager at such times and in such form as he shall prescribe, reports showing stocks of all surplus supplies. The Materials Manager shall have the authority to transfer and administer surplus supplies into a pool stock to be maintained in an inventory for use by requesting agencies on a temporary basis. Using such forms as shall be established, pool stock will be issued to a department. All pool stock shall be returned to inventory at designated time. The Materials Manager shall maintain pool stock in such condition that it is fit for its intended purpose.
ABA Model Procurement Code Reference 08-XXX Warehousing
(Ord. No. 91-09, 2/12/91)
(Ord. No. 99-13, 4/6/99, Amended (a) and (b)) SUPP. 1999-2
(Ord. No. 01-165, 10/16/01, Amended) SUPP 2001-3
(Ord. No. 08-01, 1/15/08 Enacted) SUPP 2008-1

Sec. 2-320. Procurement; pool stock.

All using agencies shall submit to the Materials Manager at such times and in such form as he shall prescribe, reports showing stocks of all surplus supplies. The Materials Manager shall have the authority to transfer and administer surplus supplies into a pool stock to be maintained in an inventory for use by requesting agencies on a temporary basis. Using such forms as shall be established, pool stock will be issued to a requesting agency. All pool stock shall be returned to inventory at designated time. The Materials Manager shall maintain pool stock in such condition that it is fit for its intended purpose.
(Ord. No. 91-09, 2/12/91)

Sec. 2-321. Procurement code; protests; informal and formal.

(1) *Right to Protest.* Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation or award of a contract may protest to the Materials Manager. The protest shall be submitted in writing within five (5) business days after contract award. A formal protest shall be in writing signed by an authorized party, containing their name, address and telephone number, identification of the contract, a detailed statement of the legal and factual grounds of the protest, including copies of all relevant documents and the specific relief requested.

(2) *Authority to Resolve Protests.* The Materials Manager or his designee shall have the authority, prior to the commencement of an action in court concerning the controversy, to settle and resolve a protest of an aggrieved bidder, offeror, or contractor, actual or prospective, concerning the solicitation or award of a contract. This authority shall be exercised in accordance with this code and the procurement guidelines promulgated by the Materials Manager.

(3) *Decision.*

If the protest is not resolved by mutual agreement, the Materials Manager shall promptly issue a decision in writing within fifteen (15) business days. The decision shall,

(a) state the reasons for the action taken; and

(b) inform the protestant of its right to judicial or administrative review as provided in this Article.

(4) *Notice of Decision.* A copy of the decision under Subsection (3) of this Section shall be mailed or otherwise furnished immediately to the protestant and any other interested party.

(5) *Finality of Decision.* A decision under Subsection (3) of this Section conclusive, unless an appeal is filed within five (5) business days following the date of the receipt of the decision by the Materials Manager that is the subject of the protest.

(6) *Formal Appeal Process*. The formal appeal shall be heard by the city's hearing officer or any other hearing officer appointed by the city for such purposes within fifteen (15) business days or as reasonably possible after filing of the date of appeal, unless extended by the hearing officer. The hearing officer may reject the protest, sustain the protest or reject or sustain in part and shall provide for an appropriate remedy. In determining an appropriate remedy, the hearing officer shall consider the circumstances surrounding the procurement or proposed procurement including, but not limited to the seriousness of the procurement deficiency, the degree of prejudice to other interested parties or to the integrity of the procurement system, the good faith of the parties, the extent of performance, costs to the city, the urgency of the procurement and the impact of the relief upon the city.

An appropriate remedy may include one or more of the following:

(a) Decline to exercise an option to renew under the contract;

(b) Terminate the contract;

(c) Reissue the solicitation;

(d) Issue a new solicitation;

(e) Award a contract consistent with city codes and policies;

(f) Such other relief as is determined necessary to ensure compliance with the procurement code, procurement guidelines, and procedures.

ABA Model Procurement Code Reference 09-101
(Ord. No. 91-09, 2/12/91)
(Ord. No. 99-13, 4/6/99, Amended)
(Ord. 01-165, 10/16/01, Amended) SUPP 2001-3
(Ord. No. 08-01, 1/15/08, Amended) SUPP 2008-1

Sec. 2-321.1. Authority to Debar or Suspend.

(1) *Authority.* After reasonable notice to the person involved and reasonable opportunity for that person to be heard, the Materials Manager, after consultation with the City Attorney's Office, shall have authority to debar a person for cause from consideration for award of contracts. The debarment shall not be for a period of more than three years. The same officer, after consultation with the City Attorney's Office, shall have authority to suspend a person from

consideration for award of contracts if there is probable cause for debarment. The suspension shall not be for a period exceeding twelve months. The authority to debar or suspend shall be exercised in accordance with regulations or procurement guidelines.

(2) *Causes for Debarment or Suspension*. The causes for debarment or suspension include the following:

(a) conviction for commission of a criminal offense as an incident to obtaining or

attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract;

(b) conviction under State or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a city contractor;

(c) conviction under state or federal antitrust statutes arising out of the submission of bids or proposals,

(d) violation of contract provisions, as set forth below, of a character which is regarded by the Materials Manager to be so serious as to justify debarment action:

(i) deliberate failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract; or

(ii) a recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts; provided that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment;

(e) any other cause the Materials Manager determines to be so serious and compelling as to affect responsibility as a city contractor, including debarment by another governmental entity for any cause listed in regulations; and

(f) for violation of the ethical standards set forth in this code (Ethics in Public Contracting).

(3) *Decision.* The Materials Manager shall issue a written decision to debar or suspend. The decision shall:

(a) state the reasons for the action taken; and

(b) inform the debarred or suspended person involved of its rights to judicial or administrative review as provided in this code.

(4) *Notice of Decision*. A copy of the decision under Subsection (3) of this Section shall be mailed or otherwise furnished immediately to the debarred or suspended person and any other party intervening.

(5) *Finality of Decision.* A decision under Subsection (3) of this Section shall be final and conclusive, unless fraudulent, or

(a) the debarred or suspended person commences an action in court or

(b) the debarred or suspended person appeals administratively to the Hearing Officer in accordance with this code and procurement guidelines.

ABA Model Procurement Code Reference 9-102
(Ord. No. 08-01, 1/15/08, Enacted) SUPP 2008-1

Sec. 2-321.2. Authority to Resolve Contract and Breach of Contract Controversies.

(1) *Applicability.* This Section applies to controversies between the city and a contractor and which arise under, or by virtue of, a contract between them. This includes without limitation controversies based upon breach of contract, mistake, misrepresentation, or other cause for contract modification, rescission or termination.

(2) *Authority.* The Materials Manager or a designee is authorized, prior to commencement of an action in a court concerning the controversy, to settle and resolve a controversy described in Subsection (1) of this Section. This authority shall be exercised in accordance with this code and the procurement guidelines. The City Manager or the Materials Manager have the authority to terminate contracts for cause.

(3) *Decision.* If such a controversy is not resolved by mutual agreement, the Materials Manager or the designee shall promptly issue a decision in writing. The decision shall:

(a) state the reasons for the action taken; and

(b) inform the contractor of its right to judicial or administrative review as provided in this Article.

(4) *Notice of Decision.* A copy of the decision under Subsection (3) of this Section shall be mailed or otherwise furnished immediately to the contractor and any other interested party.

(5) Finality of Decision. The decision under Subsection (3) of this Section shall be final and conclusive, unless fraudulent, or:

(a) the contractor commences an action in court or

(b) the contractor appeals administratively to the Procurement Hearing Officer in accordance with the code and procurement guidelines.

(6) *Failure to Render Timely Decision.* If the Materials Manager or the designee does not issue the written decision required under Subsection (3) of this Section within 120 days after written request for a final decision, or within such longer period as may be agreed upon by the parties, then the contractor may proceed as if an adverse decision had been received.
ABA Model Procurement Code Reference 9-103
(Ord. No. 08-01, 1/15/08, Enacted) SUPP 2008-1

Sec. 2-321.3. Determinations.

Written determinations required by this Code shall be retained in the appropriate official contract file of the Materials Manager or the Materials Management Division.
ABA Model Procurement Code Reference 01-201
(Ord. No. 08-01, 1/15/08, Enacted) SUPP 2008-1

Sec. 2-322. Procurement; sale, lease or disposal of surplus or obsolete City or personal property.

(a) Unless otherwise provided by law, the Materials Manager shall be empowered, pursuant to regulations, to allocate proceeds from the sale, lease, or disposal of surplus supplies. City agencies which originally purchased a material with general fund monies shall not be reimbursed for its transfer or sale. All such monies received shall be deposited in the city's general fund.

(b) The Materials Manager shall not sell any deadly weapon, dangerous instrument or explosive that was used or displayed in any criminal offense regardless of whether a conviction was obtained or any explosive displayed, used or possessed by any person. The Materials Manager may transfer weapons to the Police Department for Law Enforcement training purposes.

(c) Upon forfeiture of any deadly weapon, dangerous instrument or explosive by order of any court, the item which is the subject of the forfeiture shall be turned over to the Materials Manager for destruction. The Materials Manager may transfer weapons to the Police Department for Law Enforcement training purposes.

(d) The Materials Manager may delegate to the Police Department the destruction of any deadly weapon, dangerous instrument or explosive. If the deadly weapon, dangerous

instrument or explosive cannot be destroyed or is determined to have historic value, it shall be rendered inoperable and may be otherwise disposed of as permitted by law.

(1) For purposes of this section, Historic is defined as a weapon of which the model is not available for retail sale due to no longer being manufactured or having historical significance in the community as determined by the Police Department.

ABA Model Procurement Code Reference 08-301
(Ord. No. 91-09, 2/12/91)
(Ord. No. 92-19, 5/12/92, Amended)
(Ord. No. 99-13, 4/6/99, Deleted (b), Renumbered (c) to conform and amended (c)) SUPP. 1999-2
(Ord. No. 08-01, 1/15/08, Repealed (a) and (b) to conform and Amended)) SUPP 2008-1
(Ord. No. 2010-30, 10/19/2010, Amended) SUPP 2010-4

Sec. 3-323. Reserved.
(Ord. No. 92-19, 5/12/92, Enacted)
(Ord. No. 99-13, 4/6/99, Repealed) SUPP. 1999-2

Sec. 2-324. Reserved.
(Ord. No. 92-19, 5/12/92, Enacted)
(Ord. No. 99-13, 4/6/99, Repealed) SUPP. 1999-2

Sec. 2-325. Procurement duties of Materials Manager; abandoned, unclaimed surplus property disposal procedures.

The Materials Manager shall promulgate regulations or procurement guidelines governing:

the management of supplies during their entire life cycle;

the sale, lease, or disposal of surplus supplies by public auction, competitive sealed bidding, or other appropriate method determined to be most advantageous to the city, provided that no employee of the city or disposing agency shall be entitled to purchase any such supplies;

transfer of excess supplies; and

trade-in of excess or surplus materials.

The city may acquire surplus materials from state government and may distribute surplus materials as may be usable and necessary for public purposes of the city. No city government unit shall acquire state or political subdivision surplus material without approval of the Materials Manager.

The city shall have the right to sell, lease, exchange or otherwise dispose of city property for the best interests of the city. The disposal of surplus or obsolete property shall be done in as competitive a manner as the Materials Manager determines to be practicable. Procedures shall be prescribed prohibiting the conversion of surplus and obsolete city property for personal use by city employees unless the city receives fair market value for such property and the property is disposed of in a commercially reasonable manner. This section excludes the disposition of land and/or easements.
ABA Model Procurement Code Reference 08-201
(Ord. No. 92-19, 5/12/92, Enacted)
(Ord. No. 99-13, 4/6/99, Amended repealing (b) and (c), renumbering (d) and (e) to conform) SUPP. 1999-2
(Ord. No. 08-01, 1/15/08, Amended) SUPP 2008-1

Sec. 2-326. Procurement; assistance to small, minority, disadvantaged and women owned business enterprises.

The Materials Manager shall take affirmative steps to locate small, minority, disadvantaged and women business enterprises interested in doing business with the city. This policy will also include local vendors that have offices within the corporate limits for the City of Peoria. These steps shall include notification in appropriate publications for solicitations.

It is the policy of the city that suppliers of goods or services adhere to a policy of equal employment opportunity and demonstrate an affirmative effort to recruit, hire and promote regardless or race, color, religion, gender, national origin, age or disability.

The Materials Manager shall develop and include as part of the solicitations for professional and consultant services a request for firms to indicate whether they have been certified by any jurisdiction in this state as a minority or woman owned business enterprise.
ABA Model Procurement Code Reference 11-300
(Ord. No. 91-09, 2/12/91)
(Ord. No. 92-19, 5/12/92, Renumbered)
(Ord. No. 99-13, 4/6/99, Amended (a) and (b)) SUPP. 1999-2
(Ord. 01-165, 10/16/01, Amended) SUPP 2001-3
(Ord. No. 08-01, 1/15/08, Amended) SUPP 2008-1

Sec. 2-326.1. Compliance with federal requirements.

Where a procurement involves the expenditure of federal assistance or contract funds, the Materials Manager shall comply with such federal law and authorized regulations which are mandatorily applicable and which may not presently be reflected in this Code and the procurement guidelines.
ABA Model Procurement Code Reference 11-301
(Ord. No. 08-01, 1/15/08, Enacted) SUPP 2008-1

Sec. 2-327. Procurement; code of ethics.

Public employment is a public trust. It is the policy of the city to promote and balance the objective of protecting government integrity and the objective of facilitating the recruitment and retention of personnel needed by the city. Such policy is implemented by prescribing essential standards of ethical conduct without creating unnecessary obstacles to entering public service.

Public employees must discharge their duties impartially so as to assure fair competitive access to governmental procurement by responsible contractors. Moreover, they should conduct themselves in such a manner as to foster public confidence in the integrity of the city procurement organization.

To achieve the purpose of this Code, it is essential that those doing business with the city also observe the ethical standards prescribed herein.
ABA Model Procurement Code Reference 12-201
State Law Reference: A.R.S. §38-502. Conflict of Interest Definitions.
(Ord. No. 91-09, 2/12/91)
(Ord. No. 92-19, 5/12/92, Renumbered)
(Ord. No. 99-13, 4/6/99, Amended) SUPP. 1999-2

(Ord. No. 08-01, 1/15/08, Amended) SUPP 2008-1

Sec. 2-327.1. General standards of ethical conduct.

(1) *General Ethical Standards for Employees*. Any attempt to realize personal gain through public employment by conduct inconsistent with the proper discharge of the employee's duties is a breach of a public trust.

In order to fulfill this general prescribed standard, employees must also meet the specific standards including Employee Conflict of Interest; Employee Disclosure Requirements; Gratuities and Kickbacks; Prohibition Against Contingent Fees; Restrictions on Employment of Present and Former Employees; and Use of Confidential Information.

(2) *General Ethical Standards for Non-Employees.* Any effort to influence any public employee to breach the standards of ethical conduct set forth in this code and procurement guidelines is also a breach of ethical standards.
ABA Model Procurement Code Reference 12-202
(Ord. No. 08-01, 1/15/08, Enacted) SUPP 2008-1

Sec. 2-327.2. Criminal sanctions.

To the extent that violations of the ethical standards of conduct set forth in this Part constitute violations of the Arizona Revised Statutes Section 38-501 through Section 38-511, they shall be punishable as provided therein. Such sanctions shall be in addition to the civil remedies set forth in this Article.
ABA Model Procurement Code Reference 12-203
(Ord. No. 08-01, 1/15/08, Enacted) SUPP 2008-1

Sec. 2-327.3. Employee conflict of interest.

(1) *Conflict of Interest.* It shall be a breach of ethical standards for any employee to participate directly or indirectly in a procurement when the employee knows that:

(a) the employee or any member of the employee's immediate family has a financial interest pertaining to the procurement;

(b) a business or organization in which the employee, or any member of the employee's immediate family, has a financial interest pertaining to the procurement; or

(c) any other person, business, or organization with whom the employee or any member of the employee's immediate family is negotiating or has an arrangement

concerning prospective employment is involved in the procurement.

(2) *Financial Interest in a Blind Trust.* Where an employee or any member of the employee's immediate family holds a financial interest in a blind trust, the employee shall not be deemed to have a conflict of interest with regard to matters pertaining to that financial interest, provided that disclosure of the existence of the blind trust has been made to the Materials Manager.

(3) *Discovery of Actual or Potential Conflict of Interest, Disqualification, and Waiver.* Upon discovery of an actual or potential conflict of interest, an employee shall promptly file a written statement of disqualification and shall withdraw from further participation in the transaction involved. The employee may, at the same time, request to the Materials Manager for an advisory opinion as to what further participation, if any, the employee may have in the transaction.

(4) *Notice.* Notice of this prohibition shall be provided in the procurement file.
ABA Model Procurement Code Reference 12-204
(Ord. No. 08-01, 1/15/08, Enacted) SUPP 2008-1

Sec. 2-327.4. Employee disclosure requirements.

(1) *Disclosure of Benefit Received from Contract.* Any employee who has, or obtains any benefit from, any contract with a business in which the employee has a financial interest shall report such benefit to the Materials Manager; provided, however, this Section shall not apply to a contract with a business where the employee's interest in the business has been placed in a disclosed blind trust.

(2) *Failure to Disclose Benefit Received.* Any employee who knows or should have known of such benefit, and fails to report such benefit to the Materials Manager, is in breach of the ethical standards of this Section.
ABA Model Procurement Code Reference 12-205
(Ord. No. 08-01, 1/15/08, Enacted) SUPP 2008-1

Sec. 2-327.5. Gratuities and kickbacks.

(1) *Gratuities.* It shall be a breach of ethical standards for any person to offer, give, or agree to give any employee or former employee, or for any employee or former employee to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any program requirement or a contract or subcontract, or to any solicitation or proposal therefor.

(2) *Kickbacks*. It shall be a breach of ethical standards for any payment, gratuity, or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract or order.

(3) *Contract Clause*. The prohibition against gratuities and kickbacks prescribed in this Section shall be conspicuously set forth in every contract and solicitation therefor.
ABA Model Procurement Code Reference 12-206
(Ord. No. 08-01, 1/15/08, Enacted) SUPP 2008-1

Sec. 2-327.6. Prohibition Against Contingent Fees.

It shall be a breach of ethical standards for a person to be retained, or to retain a person, to solicit or secure a city contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except for retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business.
ABA Model Procurement Code Reference 12-207
(Ord. No. 08-01, 1/15/08, Enacted) SUPP 2008-1

Sec. 2-327.7. Restrictions on employment of present and former employees.

(1) *Contemporaneous Employment Prohibited.* Except as may be permitted by this code or procurement guidelines, it shall be a breach of ethical standards for any employee who is participating directly or indirectly in the procurement process to become or be, while such an employee, the employee of any person contracting with the governmental body by whom the employee is employed. Notice of this provision shall be provided in accordance with regulations promulgated by the Materials Manager.

(2) *Restrictions on Former Employees in Matters Connected with Their Former Duties.*

(a) *Permanent Disqualification of Former Employee Personally Involved in a Particular Matter.* It shall be a breach of ethical standards for any former employee knowingly to act as a principal, or as an agent for anyone other than the city, in connection with any:

(i) judicial or other proceeding, application, request for a ruling, or other determination;

(ii) contract;

(iii) claim; or

(iv) charge or controversy,

in which the employee participated personally and substantially through decision, approval, disapproval, recommendation, rendering of advice, investigation, or otherwise while an employee, where the city is a party or has a direct and substantial interest.

(b) *One Year Representation Restriction Regarding Matters for Which a Former Employee Was Officially Responsible.* It shall be a breach of ethical standards for any former employee, within one year after cessation of the former employee's official responsibility, knowingly to act as a principal, or as an agent for anyone other than the city, in connection with any:

(i) judicial or other proceeding, application, request for a ruling, or other determination;

(ii) contract;

(iii) claim; or

(iv) charge or controversy,

in matters which were within the former employee's official responsibility, where the city is a party or has a direct or substantial interest.

(3) *Disqualification of Business When an Employee Has a Financial Interest*. It shall be a breach of ethical standards, Arizona Revised Statutes Section 38-502, for a business in which an employee has a financial interest knowingly to act as a principal, or as an agent for anyone other than the city, in connection with any:

(a) judicial or other proceeding, application, request for a ruling, or other determination;

(b) contract;

(c) claim; or

(d) charge or controversy,

in which the employee either participates personally and substantially through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, or which is the subject of the employee's official responsibility, where the city is a party or has a direct and substantial interest.

ABA Model Procurement Code Reference 12-208

(Ord. No. 08-01, 1/15/08, Enacted) SUPP 2008-1

Sec. 2-327.8. Use of confidential information.

It shall be a breach of ethical standards for any employee or former employee knowingly to use confidential information for actual or anticipated personal gain, or for the actual or anticipated personal gain of any other person.
ABA Model Procurement Code Reference 12-209
(Ord. No. 08-01, 1/15/08, Enacted) SUPP 2008-1

Secs. 2-328. through 2-399. Reserved.
(Ord. No. 96-18, 4/2/96)

Sec. 2-400. Reserved.
(Ord. No. 91-45, 11/12/91, enacted as Section 2-101)
(Ord. No. 96-18, 4/2/96, enacted, removal of Utilities from Public Services, section 2-101)
(Ord. No. 98-23, 4/7/98, amended (b))
(Ord. No. 09-28, 08/25/09, Repealed) SUPP 2009-3

Sec. 2-401. Reserved.
(Ord. No. 91-45, 11/12/91, enacted as Section 2-102)
(Ord. No. 96-18, 4/2/96, enacted)
(Ord. No. 09-28, 08/25/09, Repealed) SUPP 2009-3

Sec. 2-402. Reserved.
(Ord. No. 91-45, 11/12/91, enacted as section 2-103)
(Ord. No. 94-65, 8/30/94, enacted as section 2-106(b)
(Ord. No. 96-18, 4/2/96, Removal of Utilities from Public Services from section 2-103(b)
(Ord. No. 98-23, 4/7/98, Repealed)

Sec. 2-403. Reserved.
(Ord. No. 91-45, 11/12/91, enacted as section 2-104)
(Ord. No. 96-18, 4/2/96, enacted)
(Ord. No. 09-28, 08/25/09, Repealed) SUPP 2009-3

Sec. 2-404. Utility Services; applications.

(a) Application for utility services shall be made in person at locations designated by the City Manager, by the owner or agent of the property for which utility services are being requested, except that the owners of a single family dwelling unit to which utility services are being sought may make application by phone call to the Peoria City Hall.

(b) The city may reject any application for utility services for any of the following:

(1) Service is not available under a standard rate.

(2) The service involves excessive service expense.

(3) The service may affect service to other consumers.

(4) The applicant is delinquent in payment of bills incurred for service previously supplied at any location.

(5) Any other reasons that in the judgment of the City Manager or designee makes it impractical for the City to provide utility services.

(c) For violation of any of the provisions relating to application for service, the city may, seven (7) days after mailing written notice to the last known address of the consumer, discontinue utility services. Where the utility service is restarted; the consumer shall first pay to the city the required reinstallation charge.

(Ord. No. 96-30, 6/4/96, reserved)
(Ord. No. 98-115, 1/5/99, renumbered from section 25-9)

Sec. 2-405. Utility services; minimum rates.

(a) Non-commercial and commercial premises solid waste services collected by the city shall be subject to payment at not less than the minimum rates set by the Council pursuant to this Code regardless of occupancy.

(b) If water service has been discontinued at the request of the owner or occupant, the minimum fee for solid waste collection services shall not be charged unless and until garbage or refuse accumulates thereon or service is requested by the owner or person having a lawful interest in the property.

(Ord. No. 96-30, 6/4/96, Enacted)
(Ord. No. 98-115, 1/5/99, Amended)

Sec. 2-406. Utility services; deposits.

(a) All persons applying for commercial solid waste service from the City for property for which the application is made shall make a deposit equal to the amount established in Table 2-224 for each property for which service is requested. The deposit shall be non-interest bearing and shall be applied first to outstanding charges owed to the City for solid waste services and Civil Penalties and any remaining amount refunded to the applicant upon discontinuance of such service.

(b) Payment in full of all charges and surcharges for solid waste and utility services to the premises for which the application is made, whether commercial or residential, is a requirement for return of any utility service deposit, unless otherwise provided in this code.

(c) The deposit required by this section shall be applicable to all applications for solid waste service made to the city on or after July 1, 1990.

(d) The person in whose name the deposit is made shall be responsible for payment of all bills incurred in connection with the solid waste service furnished to the premises for which the application is made under this section.

State Law Reference--Utility user fees; lien enforcement; procedures; definition, A.R.S. §9-511.02
(Ord. No. 96-30, 6/4/96, Enacted)
(Ord. No. 98-04, 1/20/98, Amended (a))
(Ord. No. 98-115, 1/5/99, Amended (a) and (c))
(Ord. No. 2010-35, 12/7/2010, Amended) SUPP 2010-4

Sec. 2-407. Utility services; billing procedures.

(a) The city shall bill for utility services on a monthly basis consisting of twelve billing periods during a year. The bill shall be in such a format as established by the City.

(b) All utility accounts shall be carried on the books of the city by the house and street number. All notices sent out by the city regarding utility accounts and any other matter pertaining to city utility service to the property shall be sent to the house and street number of such property. Should the owner of the property desire notice from the city at another address, he shall notify the city of such address.

(c) The city may include on each bill for utility services an opportunity for a utility services user to donate funds to be placed in an account for use by the city in assisting persons with medical and financial hardships in the payment of utility services. The city manager may prescribe administrative regulations for the management of such an account.
(Ord. No. 96-30, 6/4/96, Enacted)

(Ord. No. 98-115, 1/5/99, Amended (a))
(Ord. No. 2010-35, 12/7/2010, Amended) SUPP 2010-4

Sec 2-408. Utility services; due date; collection procedures and remedies.

(a) All city utility charges are due and payable when rendered. Payment must be received by the due date printed on the bill. If full payment on the account is not received by the due date, the account will be deemed delinquent and utility services may be subject to disconnection. Any account where payment is not received by the due date is deemed delinquent. Delinquent accounts will be assessed a late fee of 1.5% with a minimum of two dollars ($2.00). The monthly billing will reflect the current month's bill and any delinquent past due amount including late fees. If the past due amount remains unpaid a Past Due/Disconnect notice will be mailed to the customer indicating the date after which service will be disconnected and the customer will be charged a notification fee. If the past due amount is not paid by the date indicated, no further notice will be provided and a delinquent processing fee will be charged to the customer's account. On or after the disconnection date, the total amount due including the current charges and all fees must be paid to avoid interruption or reinstate services.

(b) an account may also become delinquent and subject to turnoff for any of the following:

(1) nonpayment of returned check amounts and service charges.

(2) Stop payments imposed on checks after their tender to the city.

(3) Refusal of a bank card or credit card company to honor a charge on a user's account.

(4) Termination of automatic payment by a user and failure to make payment in some other fashion.

(5) Failure to comply with the terms of a Notice of Violation or Compliance Order issued by the Director of Utilities.

(c) A user's utility service may be disconnected for nonpayment of a bill for utility service rendered at a previous location served by the city, for services rendered and/or labor or materials provided by the city, provided such bill is not paid by the due date after the unpaid bill has been presented to the user at his new location.

(d) When a user of the utility system has been notified of the amount of refuse collection charges remaining due after the deduction of his trust deposit, and payment for same has not been received, the city may take all actions permitted by law to collect on the account.

(e) Before utility service will be turned on to any premises all charges against the premises then due and payable to the city as required by this code due to the assessment of any fine or penalty, compliance with any payment agreement or civil penalty pursuant to a Notice of Violation or Compliance Order issued by the Director of Utilities, or for repair or replacement of damaged, stolen or misused city-owned containers shall be paid.
(Ord. No. 96-30, 6/4/96, Enacted)
(Ord. No. 98-115, 1/5/99, Amended (a),(b) and (e))
(Ord. No. 06-09, 05/02/06, Amended) SUPP 2006-2

Sec. 2-409. Utility services; discontinuance of service.

(a) Any person who desires to discontinue the use of any utility service shall file written notice with the city at least three (3) days in advance of the intended termination of service. Responsibility for water consumed extends to the time of departure or to the time specified for departure, whichever occurs last.

(b) All requests for termination of utility service must be made by the named applicant on a utility service account or their authorized agent. When the utility service is ordered terminated,

a final bill will be prepared for all charges for services provided to the premises. The user requesting termination of service shall provide the city with a change of address.

(c) Until such notice and payments are made, the user shall be responsible for the bill.

(d) In the event that such user shall have made a deposit to the city, and such deposit is still being retained by the city, the deposit amount will be applied to the balance owing on the account and any utility penalties and charges. Any remaining credit will be refunded.

(e) Before discontinuing utility service for nonpayment of charge for utility services or other assessment provided for in this code, the city shall give written notice to the account holder of the discontinuance and an opportunity to appear before a hearing officer designated by the city manager on any disputed matter relative to the discontinuance of utility service. All such appeals must be received by the city at the same address as utility payments within seven calendar days after the date of the notice of disconnection or the user will be deemed to have forfeited the right to a review.

(f) Notwithstanding any other provision of this section, the City may discontinue Utility Services without any further notice to the customer for failure to comply with a Notice of Violation or Compliance Order issued by the Director of Utilities.
(Ord. No. 96-30, 6/4/96, Enacted)
(Ord. No. 98-115, 1/5/99, Renumbered Sec. 25-24 to (a) and Amended))

Sec. 2-410 Unpaid utility service charges; liens, assessments, collection.

(a) Unpaid charges for utility services, which shall include all penalties, interest, recording fees; other fees associated with collection of the account and amounts assessed for Notices of Violation and Compliance Orders issued by the Director of Utilities shall be a lien upon the premises as provided by the city charter. Whenever a bill for utility service remains unpaid for sixty (60) days after the due date, the city may file with the county recorder of Maricopa County, a statement of lien claim. This statement shall contain the legal and common description of the premises service, the amount of the unpaid bill, and a notice that the city claims a lien for this amount as well as for all charges for utility services provided subsequent to the period covered by the statement.

(b) The city shall mail a copy of the claim provided for in subsection (a) to the owner of the premises at the property address and at the address contained on the records of the Maricopa county assessor, if different.

(c) Property subject to a lien for unpaid utility service charges may be sold for nonpayment of same and the proceeds of such sale shall be applied to pay the charges after deducting costs, as in the case of foreclosure of statutory liens.

(d) The office of the city attorney is authorized and directed to institute such proceedings in the name of the city in any court having jurisdiction over such matters against the owners of any property for which utility service charges remain unpaid thirty (30) days after the due date.
(Ord. No. 96-30, 6/4/96, Enacted)
(Ord. No. 98-115, 1/5/99, Amended (a) and (d))
(Ord. No. 2010-35, 12/7/2010, Amended) SUPP 2010-4

Sec. 2-411. Utility Services; appeals; penalties.

(a) Any person may present a claim to the city if he believes that he may have received an incorrect utility services bill. Such claim shall be presented in person at Finance Department before prior to such bill becoming delinquent, provided that the consumer may make a claim following payment of his bill and his payment shall not prejudice his claim. A claim does not exempt the consumer from delinquency penalties or termination of utility services if he fails to pay his bill on time.

(b) A person may present a claim to the City if he believes that the City has failed to bill their account for more than three consecutive months or if they are a new account holder without prior knowledge of the delinquency on the account.

(c) The Finance Director or designee may make a determination that the amounts are

uncollectable or that collection would not be in the best interest of the city, waive all amounts delinquent in excess of three months.

(d) An appeal of the Finance Director's or designee's decision may be made to a hearing officer appointed by the city manager. The decision of the hearing officer shall be final.
(Ord. No. 96-30, 6/4/96, Enacted)
(Ord. No. 98-115,1/5/99, Enacted)
(Ord. No. 02-42, 6/7/02, Amended) SUPP 2002-2
(Ord. No. 05-31, 6/21/05, Amended) SUPP 2005-2

Sec. 2-412. Utility Services; termination by city.

(a) The city may discontinue utility services under any of the following conditions:

(1) To prevent fraud, abuse, waste of water or damage to city or adjacent property. Waste of Water is defined as the leakage or flowing of water from plumbing on the property or the property itself, not being used for domestic or irrigation purposes on the property.

(2) Disregard of city codes, rules and regulations pertaining to utility services

(3) Emergency or scheduled repairs.

(4) Insufficient supply caused by factors outside the control of the city.

(5) Legal process.

(6) Direction of public authorities.

(7) Local emergency requiring emergency measures.

(8) Tampering with meter or other utility services property of the City by the consumer.

(9) Failure by the consumer to maintain their property in such a manner to provide authorized representatives of the city with access to city property used in providing utility service to the consumer.

(10) Supplying water to other persons for use on other property,

(11) Failure to pay a civil sanction imposed by the Director of Utilities pursuant to a Notice of Violation or a compliance order.

(12) As otherwise authorized by ordinance.

(b) For those customers having wastewater service only, the City may terminate service by disconnecting the property from the publicly operated wastewater treatment system. At the time the notice of disconnection is provided to the customer, a copy shall also be provided to the Maricopa County Department of Health Services and the water service provider serving the property.

(c) For those customers having solid waste collection service only, the City may terminate service by removing the city owned container from the property.

Secs. 2-413. through 2-450. Reserved.
(Ord. No. 96-18, 4/2/96)
(Ord. No. 96-30, 6/4/96)
(Ord. No. 98-115, 1/5/99)

Chapter 9

FIRE PREVENTION AND PROTECTION[1]

[1]State law reference(s)--Authority to provide for fire prevention and protection, A.R.S. §§ 9-240(A)(7), 9-499.01; fire prevention and protection generally, A.R.S. §§ 41-2161 et seq., 41-2196; smoke detectors, A.R.S. §§ 36-1636 et seq., 36-1645 et seq.

CHAPTER 9 B FIRE PREVENTION AND PROTECTION

PEORIA CITY CODE
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CHAPTER 9 – FIRE PREVENTION AND PROTECTION

Sec. 9-1. Fire Department; establishment, divisions.

(a) There shall be a Fire Department. The Director of the Fire Department, who shall be the Fire Chief, shall be appointed by the City Manager and confirmed by the City Council. The position shall be an unclassified position and shall serve at the pleasure and the will of the City Manager and not subject to the City merit system.

(b) The fire department shall consist of four divisions: Administration, Training, Prevention and Operations.
(Code 1977 § 4-2-7)
(Ord. No. 00-116, 7/18/2000, Repealed) SUPP 2000-3
(Ord. No. 00-116, 7/18/2000, Enacted) SUPP 2000-3
(Ord. No. 02-46, 6/7/2002, Amending (b)) SUPP 2002-2
(Ord. No. 09-30, 08/25/09, Amending (b)) SUPP 2009-3

Sec. 9-2. Fire department; division managers.

Each division within the Fire Department shall be headed by a position designated by the Fire Chief, with the approval of the City Manager. Such positions shall be classified positions subject to the city merit system.
(Code 1977,§4-2-5)
(Ord.No. 00-116, 7/18/2000, Repealed) SUPP 2000-3
(Ord.No. 00-116, 7/18/2000, Enacted) SUPP 2000-3

Sec. 9-3. Fire Department; fire chief, powers and duties.

The Fire Chief shall have the following powers and duties:

(a) Direct the operations of the fire department, subject to the city charter, this code and the rules and regulations of the fire department as approved by the city manager.

(b) Provide for designees of the fire chief to plan and direct the extinguishment of fires where the fire department responds. During the progress of a fire the authority of the fire chief shall be absolute in all matters directly concerning the extinguishment of the fire and the disposition of property endangered by it.

(c) Provide for training and or instruction in the operation and handling of equipment, first aid and rescue work, salvage, a study of buildings in the city, water supplies and all other matters generally considered essential to the safety of life and property from fire.

(d) Assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin and circumstances of all fires.

(e) Enforce the Fire Code promulgated by a recognized technical trade association and adopted by the City and such other fire related codes as adopted by the City.

(f) Designate such members of the Fire Department as inspectors as from time to time as becomes necessary.

(g) Keep complete records of all fires, inspections, apparatus and equipment, personnel and other information about the work of the department open to inspection by the public to the extent required by law.

(h) Make a complete annual report, in writing, to the council at such time as may be specified by the council, and such report shall include the information specified in subsection (6) of this section, together with comparative data for previous years and recommendations for improving the effectiveness of the department

(i) Enforce or cause to be enforced all ordinances, laws and regulations of the city and state, insofar as they pertain to fire and safety.

(j) Develop and submit to the City Manager for approval such Fire Department rules and regulations as may from time to time be necessary and appropriate.

(k) Perform such other duties as may be assigned by the City Manager.
(Code 1977, § 5-1-9(A))
(Ord.No. 00-116, 7/18/2000, Repealed) SUPP 2000-3
(Ord.No. 00-116, 7/18/2000, Enacted) SUPP 2000-3

Sec. 9-4. Fire department; position classification plan.

The city manager shall promulgate a position classification plan for the fire department. The plan shall establish specific positions assigned to the ranges and steps within the city's pay plan. The promulgation of a position classification plan shall not create any obligation upon the city council to appropriate funds for any position within the plan.
(Ord.No. 00-116, 7/18/2000, Enacted) SUPP 2000-3

Sec. 9-5. Fire Department; pension funds, volunteers, firefighters.

(a) A volunteer firemen's relief and pension fund is established pursuant to A.R.S. title 9, ch. 8, art. 3 [§ 9-951 et seq.]. The Mayor with the consent of the council shall appoint members to the Board of Trustees of the Volunteer Firemen’s Relief and Pension Fund in accordance with the

provisions of this code. The city may also purchase a private benefit plan for individuals covered under this fund.

(b) A firemen's relief and pension fund is established pursuant to A.R.S. tit. 9, ch. 8, art. 3 [§ 9-951 et seq.].
(Ord.No.00-116, 7/18/2000, Renumbered from Section 9-20) SUPP 2000-3
(Ord.No.00-116, 7/18/2000, Enacted) SUPP 2000-3

Secs. 9-6 through 9-15. Reserved
(Ord.No.00-116, 7/18/2000) SUPP 2000-3

Sec. 9-16. Reserved.
(Code 1977, § 4-2-1(A))
(Ord.No. 00-116, 7/18/2000, Repealed and Reserved) SUPP 2000-3

Sec. 9-17. Reserved.
(Code 1977, § 4-2-1(A))
(Ord.No. 00-116, 7/18/2000, Repealed and Reserved) SUPP 2000-3

Sec. 9-18. Reserved.
(Code 1977, § 4-2-3)
(Ord.No. 00-116, 7/18/2000, Repealed and Reserved) SUPP 2000-3

Sec. 9-19. Reserved.
(Code 1977, § 4-2-2)
(Ord.No. 00-116, 7/18/2000, Repealed and Reserved) SUPP 2000-3

Sec. 9-20. Reserved.
(Code 1977, § 4-2-1)
(Ord.No. 00-116, 7/18/2000, Renumbered, Repealed and Reserved) SUPP 2000-3

Secs. 9-21. through 9-30. Reserved.

Sec. 9-31. International Fire Code – Adopted.

(a) There is adopted by the City for the purpose of prescribing minimum regulations governing conditions hazardous to life and property from fire and explosion, that certain code which is now on file in the City Clerk's office known as the "International Fire Code (IFC) 2006 Edition" as amended from time to time and not inconsistent with anything herein provided, and the Referenced Standards as published by the International Code Council, as amended from time to time and not inconsistent with anything herein provided and that such codes and standards may hereafter be referred to as the IFC and the following appendix chapters.

(b) Where there is a conflict between the provision of the International Fire Code and this Chapter of the City Code, the more restrictive shall apply.

(c) The following Appendices of the International Fire Code are adopted in their entirety.

Appendix B-Fire-Flow Requirements for Buildings
Appendix C-Fire Hydrant Location and Distribution
Appendix D-Fire Apparatus Access Roads
Appendix E-Hazard Categories
Appendix F-Hazard Ranking
Appendix G- Cryogenic Fluids, Weight and Volume Equivalents

Charter reference(s) -- Adoption by reference, art. VII, § 14.
State law reference(s) -- Adoption by reference, A.R.S. § 9-801 et seq.
(Code 1977, § 4-3-1)
(Ord. No. 90-30, 8/28/90)
(Ord. No. 96-95, 11/19/96, 1994 edition adopted)
(Ord. No. 00-116, 7/18/2000, 1997 edition adopted with Appendices) SUPP 2000-3
(Ord. No.03-168, 9/2/2003, 2000 International Edition adopted with Appendices) SUPP 2003-3
(Ord. No.07-35, 11/06/07, 2006 International Edition adopted with Appendices) SUPP 2007-4

Sec. 9-32 International Fire Code; definitions.

(a) "Adult Day Health Care Facility," for purposes of Arizona Department of Health Services regulations as may be amended from time to time, means a facility providing adult day health services during a portion of a continuous twenty-four hour period for compensation on a regular basis for five or more adults not related to the proprietor. These are classified as I-4 occupancies.

(b) "Assisted Living Center," for purposes of Arizona Department of Health Services regulations as may be amended from time to time, means an assisted living facility that provides resident rooms or residential units to eleven (11) or more residents. These are classified as I-1 or I-2 occupancies.

(c) "Assisted Living Facility," for purposes of Arizona Department of Health Services regulations as may be amended from time to time, means any residential care institution, including adult foster care, that provides or contracts to provide supervisory care services, personal care services, or directed care services on a continuing basis. These are classified under R-3, R-4, I-1, or I-2 occupancies.

(d) "Assisted Living Home," for purposes of Arizona Department of Health Services regulations as may be amended from time to time, means an assisted living facility that provides resident rooms or residential units for ten (10) or fewer residents. These are classified as follows: 5 or less residents = R-3 occupancy, 6-10 residents = R-4 occupancy.

(e) "Competent on-site person" is the individual that is the responsible party on the job site that is directly supervising the fire protection system installation.

(f) "Direct Self-Care," for purposes of Arizona Department of Health Services regulations as may be amended from time to time, means a resident that is ambulatory and is able to direct their own care. (Required for any resident housed on a floor that does not open to the ground floor.)

(g) "Direct Supervision" means the physical presence of a manager, caregiver, or responsible person providing direction during an activity or function.

(h) "Directed Care Services," for purposes of Arizona Department of Health Services regulations as may be amended from time to time, means programs and services, including personal care services provided to persons who are incapable of recognizing danger, summoning assistance, expressing need or making basic care decisions. These are classified as follows: 5 or less residents = R3 occupancy, 6 or more residents = I2 occupancy, non-self preserving.

(i) Where the words "Fire Code Official" are used in the International Fire Code, they shall be held to mean the Fire Chief or their designee

(j) "Impairment" means decreased strength, value, amount, or quality. An impaired fire protection system is a system that will not function as required by national standards. The impairment can be caused by damage, alterations, lack of maintenance, or poor design.

(k) Where the words "Jurisdiction" are used in the International Fire Code, they shall be held to mean the City of Peoria.

(l) Where the words "Legal Counsel" are used in the International Fire Code, they shall be held to mean the City Attorney for the City of Peoria, Arizona.

(m) "Non-Self Preserving," for purposes of Arizona Department of Health Services regulations as may be amended from time to time, means persons not capable, physically or mentally, of responding to an emergency situation without physical assistance from staff.

(n) "Personal Care Services," for purposes of Arizona Department of Health Services regulations as may be amended from time to time, means assistance with activities of daily living that can be performed by persons without professional skills or professional training and includes the coordination or provision of intermittent nursing services and the administration of medications and treatment by a nurse who is licensed pursuant to A.R.S. Title 32, Chapter 15, or as otherwise provided by law. These are classified as follows: licensed for 5 residents or less = R3 occupancy, licensed for 6 residents or more = I-2 occupancy.

(o) "Residential Care Institution," for purposes of Arizona Department of Health Services regulations as may be amended from time to time, means a health care institution other than a hospital or a nursing care institution which provides resident beds or residential units, supervisory care services, personal care services, directed care services, or health-related services for persons who do not need inpatient nursing care.

(p) "Self Preserving," for purposes of Arizona Department of Health Services regulations as may be amended from time to time, means persons capable, physically and mentally, of responding to an emergency situation without physical assistance from staff.

(q) "Supervisory Care Services," for purposes of Arizona Department of Health Services regulations as may be amended from time to time, means general supervision, including daily awareness of resident functioning and continuing needs, the ability to intervene in a crisis, and assistance in the self-administration of prescribed medications. This can be in any type of facility because the residents are self preserving.
(Code 1977, §§ 4-3-5 -- 4-3-8)
(Ord. No. 90-30, 8/28/90)
(Ord. No. 00-116, 7/18/2000, Repealed) SUPP 2000-3

(Ord. No. 00-116, 7/18/2000, Renumbered from Section 9-33) SUPP 2000-3
(Ord. No. 03-168, 9/2/2003, 2000 International Edition adopted w/Appendices) SUPP 2003-3
(Ord. No. 05-34, 8/1/2005, 2003 International Edition, local amendments) SUPP 2005-3

Sec. 9-33. International Fire Code, Local Amendments.

(a) Section 102.3 Change of Use or Occupancy is amended by replacing the words *International Existing Building Code"* with "Currently adopted Fire Code and amendments." designating the existing text as subsection 1 and adding the following paragraph as subsection 2.

Section 102.3 Change of Use or Occupancy.

2. All changes of occupancy shall be coordinated with the Fire Marshal prior to issuance of a Temporary or Permanent Certificate of Occupancy.

(b) Section 102.4 Application of building code is amended by adding the words "and the currently adopted Fire Code and amendments" after "International Existing Building Code."

(c) Section 102.5 Historic buildings is amended by adding the words "and the currently adopted Fire Code and amendments" after "International Existing Building Code."

(d) Section 104.3 Right of entry is hereby amended by adding the following:

The Fire Department shall inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the Fire Chief for the purposes of ascertaining and causing to be corrected any of the conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this code and of any other law or standard affecting fire safety. Any person who refuses entry for purposes of this provision shall be in violation of Peoria City Code Section 9-43(a) and subject to the penalties prescribed in Peoria City Code Section 9-42, including civil sanctions identified in 9-42(b).

(e) Section 104.6 Official Records is hereby amended by adding the following:

104.6.5 Required information. Each business and building owner shall provide the following information to the Fire Code Official upon request: Responsible party address, responsible party telephone number, building owner address, building owner telephone number, square footage of the building and/or leased space, Insurance company name, Insurance company policy number, and Insurance company telephone number.

(f) Section 104.10. Fire Investigations is amended with the following new section:

104.10 Fire Investigations. The Fire Department shall investigate or cause to be investigated promptly the cause, origin and circumstance of each and ever fire occurring in the jurisdiction involving loss of life or injury to a person or destruction or damage to property, and if it appears to the member of the Fire Department making the investigation that such fire is of suspicious origin, the

member shall notify the appropriate law enforcement agency and shall secure the site until the law enforcement agency takes control of the site. The Fire investigator shall continue to pursue the investigation to its conclusion.

(g) Section 104.11.4 Restricting Public Access is amended with the following new section:

It shall be the duty of the Police Department, at the time of any fire, to place ropes or guards across all streets, lanes or alleys on which shall be situated any building on fire, and at such other points as are deemed expedient and necessary. Any person entering within the line indicated by such ropers or guars and refusing to go outside such lines when directed to do so by any police officer or officer of the fire department shall be guilty of a class one misdemeanor.

(h) Section 105 Permits, 105.1.1 Permit Required, is amended by renumbering the existing text as subsection 1 and adding the following as subsection 2.

2. It shall be unlawful for any person, firm or corporation to use a building or premises or engage in any activities for which a permit is determined to be required by the Fire Code Official without having first obtained such permit from the Fire Department.

(i) Section 105.2 Application is amended with the following new section.

Section 105.2. Application. Application for a permit required by this code shall be made to the fire code official in such form and detail as prescribed by the fire code official no later than thirty (30) days prior to date of the event. Applications for permits shall be accompanied by such plans as prescribed by the fire code official.

Scope. Fees for reviewing plans, issuing permits and conducting inspections relating to construction or installation of automatic sprinkler systems, fire alarm system, hood and duct fire-extinguishing systems and other fire- and life-safety systems for compliance with the International Fire Code and other laws and ordinances, and other services provided shall be set by the Fire Department. The following contains a Uniform Fees and Charges Program for the City of Peoria Fire Department.

Permit and Service Fees Ordinance

Purpose. The purpose of this ordinance is to establish fees for specific Fire Code permits as defined in the International Fire Code, as adopted by this jurisdiction and for the establishment of fees for service performed by the Fire Department.

Definitions. All terminology not defined in this chapter shall be defined as stated in the International Fire Code as adopted by this jurisdiction. Permits and Service Fees. A fee in accordance with the

following schedule shall be paid to the Fire Department at the time of application for: (1) a RENEWABE PERMIT, (2) and INSTALLATION or REMOVAL and ALTERATION PERMIT, (3) an ACTIVITY PERMIT, (4) any OTHER SERVICE, (5) any RECORDS, PHOTOGRAPHS or DOCUMENTS, or (6) a HAZARDOUS MATERIALS STORAGE PERMIT. Such fee shall not be refunded upon failure of an applicant to receive the permit. Failure to apply for necessary permits or services may result in an order from the Fire Marshal to obtain a permit or service. Fees are payable upon permit application. Failure to pay for permit, plan review or inspection fees imposed by this fee schedule, within the time period specified, shall render such permit null and void.

EXCEPTION: These permit charges shall not apply to activities of nonprofit Corporations or civic or fraternal organizations that possess an Internal Revenue Service tax exempt status. However, these groups will be assessed plan review and inspection fees.

Standard Hourly Fee: There shall be a standard hourly fee of fifty dollars ($50.00), with a one (1) hour minimum, charge for all inspection and plan review work unless specifically exempted. All reinspections (follow-up inspections) shall be charged at the standard hourly fee with a one (1) hour minimum, unless otherwise specified. All inspections, plan reviews and consultations shall be charged this standard hourly fee, unless otherwise specified. The overtime hourly fee shall be one and one half (1 ½) the standard hourly fee, when the department is requested to review plans or conduct inspections outside of the normal work day.

Renewable Permit Fees: When an inspection or plan review is conducted by the Fire Prevention Division to ensure proper design, installation or permit compliance, the standard hourly fee for the first hour of inspection or the first hour of plan review, when required, shall be paid at the time of application. Fees for subsequent hours of plan review shall be paid prior to the issuance of a permit. The permit fee shall be in addition to the standard hourly fee in accordance with Table 9-33(a) Renewable Permit Fees: Inspection and Plan Review Fees for Installation,

Removal or Alterations of Equipment.

When an inspection or plan review is conducted by the Fire Department to ensure proper design and installation, the standard hourly fee for the first hour of inspection or the first hour of plan review, when required, shall be paid at the time of application. Fees for subsequent hours of plan review shall be paid prior to the issuance of the permit. Fees for subsequent hours of inspection shall be paid prior to issuance of a Certificate of Occupancy. All Fees shall be in accordance with Table 9-33(b).

Inspection or Plan Review Fees for Activity Permits

General. When an inspection or plan review is conducted by Fire Prevention to ensure proper design, installation or permit compliance, the standard hourly fee for the first hour of inspection or the first hour of plan review, when required, shall be paid at the time of application. Fees for subsequent

hours of plan review and inspection shall be paid prior to the issuance of the permit. A separate permit for a specific period of time shall be obtained for each location where such operations are performed. The permit fees shall be in addition to the standard hourly fee in accordance with Table 9-33 (c)

Annual Hazardous Materials Storage Permit Fee

The annual fee, based on quantities stored, manufactured, used in process, sold, transported or otherwise utilized in the form of liquids, solids or gases. When there are multiple forms the highest range will be used, as set forth in Table 9-33(a)

(j) Section 105.3.1 Expiration is amended by adding the following:

Operational Permits shall expire on December 31st each year unless otherwise noted. If application for an Operational Permit is made after July 1st of the calendar year the permit fee shall be 50% of the annual fee and the permit will expire on December 31st and then must be renewed annually thereafter.

(k) Section 105.6.2 Amusement building is amended with the following new section:

Section 105.6.2 Amusement buildings. An operational permit is required to operate a special amusement building for a period of time not to exceed 45 days. Plans shall be submitted to the Fire Department and approved 30 days before the opening of the building or structure to the public.

(l) Section 105.6.23 Hot Work Operations is amended by adding the following section:

Section 105.6.23.1 Hot Work Permits. Operational permits are required to be filled out by the responsible party for the site, structure, occupancy, or property prior to the hot work operation. Hot work permits must be kept on file for 90 days and be made available to the Fire Department or any other regulatory agency upon request.

(m) Section 105.6 is amended by adding the following section:

Section 105.6.47 Home Delivery of Liquid Oxygen. An operational permit is required from the Fire Department in order to deliver liquid oxygen to residential occupancies.

(n) Section 901.10 Fire Protection Equipment is amended and shall read as follows:

Section 901.10.1 All Class “A” Fire Alarms shall be designed and installed in such a manner that the failure, removal, or destruction of any single alarm-actuating or alarm-indicating device or break in the wiring circuit will not interfere with the normal operation of any other such devices.

Section 105.7.13.2 Any person, corporation, partnership or other entity engaged in the business of design, install, monitor, sell, or service within the City of Peoria shall, obtain a permit from the Fire Department. The permit application shall include the following: Copy of State and City license and Copy of Certification.

(o) Section 107.5 is amended by adding the following:

1. A fee (Table 9-33 (d) Fees for Other Services) shall be assessed to the building owner for the annual inspection and for all re-inspections required to gain compliance with this Code.

i. If a building is occupied by a business occupancy that is different from the owner, then the business occupancy shall be required to pay the assessed inspection fees.

ii. If a building is occupied by the owner or is vacant, then the owner shall be required to pay the assessed inspection fees.

2. If a building is split into multiple occupancies, the inspection fees shall be assessed as follows:

i. Each separate business occupancy that is required to possess and maintain a City of Peoria business license shall be assessed inspection fees based on the square footage of the specified space within the building that has been issued a Certificate of Occupancy for such business. The owner shall not be responsible to pay the inspection fees for any separate business occupancy within the building.

ii. For all portions of a building that are not under the control of separate business occupancies subject to subsection (i), the owner shall be responsible to pay the inspection fees, which shall be calculated by adding together all of the square footage in those portions of the building.

3. A fee will not be charged for additional inspections that the Fire Chief deems necessary throughout the year.

(p) Section 108 is amended as follows:

Section 108.3 is amended by adding the following paragraphs:

(1) The Fire Board of Appeals shall be composed of a total of five (5)

regular members. All members of the Board shall be appointed by the Mayor with the approval of the City Council in accordance with the provisions of this Code. The members of the Board shall consist of:

(a) One member shall be an Arizona registered fire protection engineer.

(b) One member shall be an NICET Level III or higher licensed contractor in fire alarm systems.

(c) One member shall be an NICET Level III or higher licensed contractor in fire sprinkler systems.

(d) One member shall be an Arizona licensed electrical or mechanical contractor.

(e) One member who is a private citizen, familiar with the construction industry and trades ho is a resident of the City.

(2) All members shall serve without pay. However, members may be reimbursed for their actual expenses incurred in connection with their duties upon authorization or ratification by the City Council.

(3) Members shall be appointed in accordance with the Fire Code, with the initial terms being staggered. Members currently serving who do not meet these qualifications shall continue to serve until their terms are expired.

(4) The Fire Code Board of Appeals is authorized to hear appeals of the final decision the Fire Code Official relative to the application and interpretation of this Code.

(5) A written appeal, outlining the Code provision from which relief is sought and the remedy proposed, shall be submitted to the designated Clerk for the Fire Board of Appeals within 15 calendar days of notification of a final decision or determination subject to appeal.

(6) The Board may uphold, modify, or overrule in whole or in part the final decision.

Section 108.4 Administrative appeal. Whenever a violation of this code has been found and

the applicant wishes to appeal the decision of the staff because the code or the rules legally adopted thereunder have been incorrectly interpreted or an equivalent method of protection or safety is proposed, an appeal may be filed as follows:

1. The applicant shall file a written appeal, within ten (10) working days after receiving notice of the violation. The appeal shall be filed with the Building Official and a copy filed with the Fire Chief. At this time, the applicant may request an informal review before the Fire Code Official.

2. If an applicant requests an informal review, the review will be heard by the Fire Code Official or his designee within 15 working days after the request is filed. The chief, or an authorized representative, may use a Committee consisting of such staff as is deemed appropriate to provide advice on a particular request for informal review.

3. The applicant shall provide specific information on the basis for the appeal and the relief requested.

4. If the informal review upholds the decision of the Fire Official, the applicant shall comply with the requirement(s) of the fire code or request a hearing by the Board of Appeals within ten (10) working days following the informal review as provided in Sec. 108.3 of this code.

(q) Section 109 is amended as follows:

109.3.Violation penalties.

Penalties for violations of this Code are set forth in Peoria City Code, Sections 9-36 through 9-43.

® Section 202 is amended to include the following additional definitions.

Section 202 – General Definitions

The following definitions are hereby added to read as follows:

Access grades shall include the table set forth in this definition.

All weather surfaces (AW) is a road surface made up of materials compacted to 90% and capable of supporting vehicles in excess of 75,000 pound gross vehicle weight (GVW) under any weather condition.

Commercial occupancy: Commercial occupancy is any building that falls under the International Building Code occupancy classification of A, B, E, F, H, I, M, R-1, R-2, R-4, and S.

(s) Section 308.3.6 is amended by adding the following additional subsections:

308.3.6.1 Audience control. The audience shall be at least 30 feet away from the closest projection of an open flame device. Audience control shall be established by use of a physical barrier which can be easily moved or removed in the event of an emergency and shall remain in place throughout the entire performance.

308.3.6.2 Attendant. Performances shall be constantly attended by a person knowledgeable in the use of a fire extinguisher at the rate of at least 1 attendant for every 2 active devices. Attendants shall remain at the performance until all the fire has been extinguished.

308.3.6.3 Fire extinguishers. Adequate fire extinguishing equipment including but not limited to buckets of water, water soaked rags, water extinguishers, charged hose lines, shall be readily available for use during the performance. Portable fire extinguishers shall be provided at a minimum of one 20BC extinguisher for every four simultaneous devices.

308.3.6.4 Clearance from Combustibles. A 25 foot clearance from all combustibles shall be maintained in all directions.

(t) Section 308 is amended to add Section 308.6 which shall read as follows:

Section 308.6 Flaming Food and Beverage Preparation.

308.6.1 General. The preparation of flaming foods or beverages in places of assembly and drinking or dining establishments shall be in accordance with Section 308.6.

308.6.2 Dispensing. Flammable or combustible liquids used in the preparation of flaming foods or beverages shall be dispensed from one of the following:

1. A 1-ounce (29.6 ml) container or
2. A container not exceeding 1-quart (946.5-ml) capacity with a controlled-pouring device that will limit the flow to a 1-ounce (29.6-ml) serving.

308.6.2.1 Containers not in use. Containers shall be secured to prevent spillage when not in use.

308.6.2.2 Serving of flaming food. The serving of flaming foods or beverages shall

be done in a safe manner and shall not create high flames. The pouring, ladling or spooning of liquids is restricted to a maximum height of 8 inches (203 mm) above the receiving receptacle.

308.6.2.3 Location. Flaming foods or beverages shall be prepared only in the Immediate vicinity of the table being serviced. They shall not be transported or carried while burning.

308.6.2.4 Fire protection. The person preparing the flaming foods or beverages shall have a wet cloth towel immediately available for use in smothering the flames in the event of an emergency.

(u) Section 311 is amended to delete exceptions 1 and 2 under section 311.2.2.

(v) Section 314.4, item 3 is amended and shall read as follows:

3. Fuel tanks and fill openings are closed and sealed to prevent tampering and the escape of vapors.

(w) Section 316 is added and which shall read as follows:

Section 316 – HEAT-PRODUCING APPLIANCES

Sec. 316.1 General. Heating appliances shall be installed and maintained in accordance with their listing and the Building, Electrical, and Mechanical codes. Clearance from combustible material shall be maintained as set forth in the Building and Mechanical codes and the product listing.

Sec. 316.2 Clothes dryers. Clothes dryers shall be frequently cleaned to maintain the lint trap, mechanical and heating components free from excessive accumulations of lint.
EXCEPTION: Clothes dryers within private dwelling units of Group R occupancies.

(x) Section 401.1. Scope is amended by deleting the exception in its entirety.

(y) Section 401.3 is amended to add Section 401.3.1 which shall read as follows:

401.3.1 False Alarms shall not be given, signaled or transmitted in any manner.

(z) Section 403.1.2 is amended to add Section 403.1.2.3 which shall read as follows:

403.1.2.3 Crowd managers; All public assembly occupancies with an occupant load of 150 or more shall have crowd managers as described in Section 2404.20.

(aa) Section 408.2 is amended to add Section 408.2.3 which shall read as follows:

Section 408.2.3 Automatic External Defibrillators (AED). All Public Assembly occupancies

with an occupant load of three hundred (300) or greater shall be equipped with AEDs so that they optimally achieves a 3-minute response time from the collapse of a patient to on-scene arrival of the AED with a trained lay rescuer, in accordance with the American Heart Association recommendations and the following conditions:

1. The installations of AEDs are a life safety device and the maintenance of the device shall be the responsibility of the owner of the Certificate of Occupancy.
2. It shall be the responsibility of the owner to obtain and maintain medical oversight from a licensed physician.
3. It shall be the responsibility of the owner to train its employees in Cardio Pulmonary Resuscitation and the use of AEDs in accordance with the Guidelines of the American Heart Association or the Red Cross.
4. Training and equipment maintenance records shall be kept on premises and be available to the fire Department upon request.
5. AEDs shall be mounted in an accessible spot free from blocking by storage and equipment. The top of the AED shall be not more than 5 ft (1.5 m) above the floor. The AED should be easy to reach and remove and should be placed where it will not be damaged -- on hangers or in the brackets supplied by the manufacturer, mounted in cabinets, or placed on shelves.

(bb) Section 501.3 Construction Documents is amended and which shall read as follows:

Section 501.3 Construction Documents. Construction documents for proposed fire apparatus access, location of fire lanes, means of egress, fire protection systems, hydraulic calculations for fire hydrants and suppression systems, and construction documents specifying interior finish and fire resistance rated construction shall be submitted to the Fire Department; in addition to Building Safety for review and approval prior to construction. Upon completion of construction and prior to issue of a Certificate of Occupancy, a copy of finished drawings shall be supplied to the Fire Department in the following format:

501.3.1 Record Electronic Files: A copy of the building site plan, fire alarm system, fire sprinkler system shall be provided in Portable Document Format (PDF).

(cc) Section 501 is amended to add section 501.5 which shall read as follows:

Section 501.5. Wildland/Urban Interface Areas. Areas considered by the Fire code official to be classified as "Wildland/Urban Interface" shall meet the requirements of the 2003 International Urban-Wildland Interface Code.

(dd) Section 503.2 is amended to add Section 503.2.7 which shall read as follows:

Section 503.2.7. The grade of the fire apparatus access road shall be within the limits

established by the Fire Code Official based upon the Fire Department's apparatus. The maximum grade(s) allowable are:

1. Major Arterials – 9.0%
2. Minor Arterials – 9.0%
3. Couplets – 9.0%
4. Rural/ESL Minor Collectors – 12.0%
5. Local Collectors – 12.0%
6. Local Residential – 15.0%

With the following conditions:

1. All residential and commercial structures where any access grades exceed 10% must be equipped throughout with an automatic fire sprinkler system that meets the requirements of the 2006 International Fire Code and the Peoria Fire Code Amendments.

2. All residential and commercial structures and developments meet the requirements of the 2003 International Urban-Wildland Interface Code (IUWIC)

3. All residential and commercial structures are constructed to the minimum level of Class 1 Ignition Resistant Construction as defined in Section 504 of the 2003 IUWIC.

(ee) Section 503.3 is amended and shall read as follows:

Sec. 503.3 Fire apparatus access roads posting. Every fire apparatus access roadway required under the authority of this section shall be posted with signs readable from either direction of travel and vertically installed at points not more than eighty (80) feet on center along the length of the required fire apparatus access roadway. Fire Lane signs, with indicating arrows, shall be posted at the beginning and end of each fire lane with the indicating arrow pointing in the direction of the fire lane. If the fire lane is intersected by a drive, then a two-way arrow shall be installed at that location.

In lieu of signs the curb can be painted red and marked "NO PARKING FIRE LANE" in four (4) inch white block letters on the vertical face of the curb and spaced eighty (80) feet on center.

Only fire apparatus access roadways required under the authority of this section or as approved by the Chief may be posted or identified as such. Unauthorized use of signs shall be removed.

Sec. 503.3.1 Maintenance. The person(s) in possession of the premises on and into which a fire apparatus access roadway is required shall be solely responsible for the maintenance of such roadways and all required signs. No owner, manager or other person(s) in charge of premises served by a required fire apparatus access roadway shall abandon or close the fire apparatus roadway or any

part thereof without permission of the code official.

The person(s) in possession of the premises shall be responsible in ensuring that fire apparatus roadways are clear at all times.

(ff) Section 503.4 Obstruction of Fire Apparatus Roads is amended and shall read as follows:

Sec. 503.4 Obstruction of fire apparatus roads. The required width of any fire apparatus access roadway on City or private property shall not be obstructed in any manner, including the parking or stopping of any vehicle other than an authorized emergency vehicle. A vehicle parked illegally in a fire apparatus access roadway may be removed and impounded under the provisions of the Peoria Code. An owner or operator of a vehicle parked illegally in a fire apparatus access roadway or the person responsible for any non-vehicular obstruction shall be guilty of a misdemeanor.

(gg) Section 503.6 Security Gates is added and shall read as follows:

Sec. 503.6.1 Gate Access (Information and Scale Plans shall be submitted to the Fire Department for a permit)

503.6.1.1 All gates limiting access will be required to provide emergency Access controls for Fire Department entry.

503.6.1.2 The gates shall be designed so that the access roadway or turning radius (WB50) shall not be obstructed by the operation of the gate. Minimum set back from the public streets shall be a distance determined by the City Engineer and allow the emergency vehicle the ability to safely operate the lock box or panel. Turning radius from the public street shall be WB50.

503.6.1.3 Clear width of the roadway shall be minimum of twenty (20) feet clear width on all entrances. Exit roadways shall be a minimum of sixteen (16) feet clear width or larger on all exits. Unless otherwise approved by the fire department.

503.6.1.4 Sub-divisions may have a divided entrance and exit gates. The entrance side shall have a clearance of twenty (20) feet clear width, the exit side sixteen (16) feet clear width.

503.6.1.5 Access controls shall be exterior to the gate and located for activation by the vehicle operator without dismounting from the vehicle. The height of the lock box/control panel shall be sixty-six (66) inches, measured from the finished grade line of the street.

503.6.1.6 The lock box, padlock or key switch, must be an approved model utilized by the Peoria Fire Department. Lock Box Authorized Forms may be picked up at the City of Peoria Fire

Prevention, Monday through Friday 8:00 am to 9:00 am.

503.6.1.7 Traffic Preemption opening device shall be on all motorized gates. Opticom, 3M, Model 722 receiver (no coding model) shall be used.

EXCEPTION: Fire Stations are not required to provide a preemption opening device.

503.6.1.8 Gates must open to a clear width of twenty (20) feet within twenty (20) seconds of activation and remain in the open position until closed by operation of the electrical control device.

503.6.1.9 The control pedestal must be identified with a minimum six (6) inch by Ten (10) inch sign with red letters on a white background. This sign must be securely fastened to the pedestal and legible from the approaching vehicle. EMERGENCY FIRE DEPARTMENT ACCESS.

503.6.1.10 Battery back-up for all motorized gates is required, unless the gate fail safe (open) in the event of a power failure

503.6.1.11 Secondary "Exit Only" gates shall be set up for Fire Department emergency access. Exit only gates, which are not motorized, shall be installed per City of Peoria Fire Department Standard detail. Details are available at the City of Peoria Fire Prevention. Exit only gates shall have a minimum clearance of twenty (20) feet clear width and be posted with a sign that states "Caution Gate Opens Out." The ground shall be painted with a yellow strip showing the depth of the gate swing.

503.6.1.12 Operation at the gate shall be by pre-emption device and key switch.

(hh) Section 505.1 is amended to read as follows:

505.1 Address numbers. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.

Address numbers shall be installed according to City of Peoria address display requirements.

(ii) Section 506.1. is amended by adding subsection 506.1.2.which shall read as follows:

Section 506.1.2 Locations Key boxes shall be installed in a location to be determined by the Fire Code Official. A full set of keys to open all areas inside and outside the structure, to include the fire alarm panel, shall be placed inside the key box. Key Boxes are to be located no higher than 60 inches above finished grade.

(jj) Section 508.1 is amended to read as follows:

508.1 Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, building or portions of buildings are hereafter constructed or moved into or within the jurisdiction. Where property is subdivided with or without the creation of public or private streets for the express purpose of providing said subdivided parcels for sale or otherwise permitting separate and/or individual development to occur, an approved water supply capable of supplying the projected fire flow for fire protection shall be provided and extended to serve directly any and all subdivided properties. The projected fire flow will be based on the greatest potential demand posed by any type of occupancy allowed by zoning laws on the projected property.

(kk) Section 508.5.1 is amended to read as follows:

Sec. 508.5.1. Where required. Where a portion of a facility or building hereafter constructed or moved into or within the jurisdiction is more than 300 feet (91.5m) from a fire hydrant on a fire apparatus access road, as measured by approved route around the exterior of the facility or building, additional fire hydrants and/or mains shall be provided where required by the fire code official.

Exception:

1. For Group R-3 and Group U Occupancies, the distance requirement shall be 500 feet (122m).

(ll) Section 508.5.2. is amended to include the following new subsection 508.5.2.1 pertaining to required installations:

Sec. 508.5.2.1 Required installations. Fire hydrants installed as a result of any order or permit shall be spaced so that short hose lines can be employed and so there are a sufficient number of fire hydrants within a reasonable distance to obtain the required fire flow as determined using Appendix B. In other than single family residential areas, hydrants shall be spaced so that they are not more than 300 feet (91.5m) apart. For single-family residential areas, hydrants shall be spaced so that they are not more than 500 feet (152.5m) apart and not more than 400 feet (122m) hose lay distance from any structure. Hydrant spacing and hose lay requirements may be modified by the code official when all structures are protected with automatic fire sprinkler systems in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3

Private fire hydrants. All private fire hydrants (those not on the City of Peoria water system and located on private property) must be flushed and maintained annually in accordance with the American Water Works Association, Manual of Water Supply Practices, Installation Field Testing and Maintenance of Fire hydrants, AWWA M17. Selected hydrants, as determined by the Fire Chief, shall

be tested to determine Available Fire Flow according to test procedures outlined in the American Water Works Association Manual of Water Supply Practices, Distribution System

Public Fire Hydrants. All public fire hydrants must be flushed and maintained annually in accordance with the American Water Works Association, Manual of Water Supply Practices, Installation Field Testing and Maintenance of Fire hydrants, AWWA M17. Selected hydrants, as determined by the Utilities Director, shall be tested to determine Available Fire Flow according to test procedures outlined in the American Water Works Association Manual of Water Supply Practices, Distribution System Requirements for Fire Protection, AWWA M31.

Fire Hydrants. All fire hydrants shall be wet barrel as defined by AWWA M17 and specified by the City of Peoria Public Works/Engineering Department. Fire Hydrants used in commercial applications shall have two (2) – 2 ½ inch outlet and one (1) – 4 ½ inch outlet.Fire Hydrants used in residential (R-3) applications shall have one (1) – 2 ½ inch outlet and one (1) – 4 ½ inch outlet.

(mm) Section 508.5.3 pertaining to Private fire service mains and water tanks shall be amended to read as follows:

508.5.3 Private fire service mains and water tanks. Private fire service mains and water tanks shall be periodically inspected, tested and maintained in accordance with NFPA25 at the following intervals:

1. Private fire hydrants (all types): Inspection annually and after each operation; flow test and maintenance annually.

2. Fire service main piping: Inspection of exposed, annually; flow test ever 5 years.

3. Fire service main piping strainers: Inspection and maintenance after each use.

4. Fire hydrant systems. Plans and specifications for fire hydrant systems shall be submitted to the Fire Department for review and approval prior to construction. Plans and specifications for fire hydrant systems shall be submitted to the Fire Department for review and approval prior to City Council action on the final subdivision plat, or in the case of an individual building or structure, for review and approval prior to issuance of the building permit. The Fire Department shall obtain the approval of the Engineering Department on the submitted plans and specifications.

5. Each water service provider, whether municipal or private shall submit to the Fire Department a map identifying the location of fire hydrants within the service area of the water provider. The map required under this subsection shall be submitted on or before

December 31, of each year, and shall be updated by the water service provider as new fire hydrants are installed. On May 31, of each subsequent year, a map identifying the location of the fire hydrants within the service area of the water provider shall be submitted to the fire department.

In the event a water service provider fails to submit the map required under subsection (5) of this section, the Fire Department is authorized to prepare a map of the fire hydrant locations within the service area of water service provider, and charge the cost of preparation of the map to the water service provider, together with an administrative fee equal to fifteen percent of the cost of preparation of the map.

A water service provider, whether municipal or private having a portion of its service area in which no distribution or service lines are located, shall identify such areas on the map required by this subsection. Such areas shall be exempt from the requirements of Sections 508.1 through 508.4 and Appendix B and C until distribution or service lines are installed by the water service provider.

6. On or before December 31, of each year, each water service provider, whether municipal or private shall have prepared and filed with the City, a plan that: (1) indicates sufficient hydrants on all streets within its water service area containing water utility distribution or service lines to comply with the requirements of International Fire Code, Appendix C-Fire Hydrant Locations and Distribution, including but not limited to Table C105.1 or (2) a five year Capital Improvement Plan indicating plans for the construction of sufficient hydrants on all streets within it water service area containing water utility distribution or service lines to comply with the requirements of International Fire Code, Appendix C- Fire Hydrant Locations and Distribution, including but not limited to Table C105.1 within five (5) years from the date of submission of the plan.

   On or before January 10, of each year following submission of the plan, the Fire Department shall file with the City Clerk, the Directors of Community Development, Utilities Department, Engineering Department and the applicable water provider, a written notice indicating each water service provider who is not in compliance with the requirements of subsection (5) of this section. Upon filing of the written notice with the City Clerk, no building permit shall be issued within the service area of a water service provider who is not in compliance with the requirements of subsection (5) of this section, unless the permit requires an automatic sprinkler system with applicable fire flow requirements complied with to be installed with in the structure.

7. A water service provider that believes a notice has been improperly issued under this section, may appeal the issuance of the notice to the City Manager, by filling a written

notice of appeal to the City Manager within ten (10) days after filing of the Notice in subsection (6) with the City Clerk. The City Manager or his designee shall hold a hearing on the appeal within thirty (30) days after filing of the appeal.

(nn) Section 511 Fire-Fighters Air Systems is added and shall read as follows:

Section 511 - FIRE FIGHTERS AIR SYSTEMS.

511.1 Fire Fighters Air Systems. All buildings having floors used for human occupancy located five (5) stories or more above or below the lowest level of fire department vehicular access shall be equipped with an approved rescue air replenishment system. Such system shall provide an adequate pressurized air supply through permanent piping system for the replenishment of self contained breathing apparatus carried by fire suppression, rescue and other personnel in the performance of their duties. Location and specification of access stations, and the installation of such air replenishment system shall be made in accordance with the requirements and standards of the fire chief.

(oo) Section 512 Public Safety Radio Amplification System is added and shall read as follows:

Section 512. PUBLIC SAFETY RADIO AMPLIFICATION SYSTEM

512.01 Purpose. The purpose of this article is to provide minimum standards to insure a reasonable degree of reliability for emergency services communications from within certain buildings and structures within the city to and from emergency communications centers. It is the responsibility of the emergency service provider to get the signal to and from the building site.

512.02 Scope

512.02.1 The provisions of this article shall apply to new buildings and structures of construction greater than fifty thousand (50,000) square feet or modifications made within any twelve (12) month period and exceed fifty percent (50%) of the value of the existing building(s) or structure(s), or the use of the property is expanded or enlarged by fifty percent (50%), which have not received a final inspection prior to the adoption of these provisions; and All basements or sub-level parking structures over ten thousand (10,000) square feet where the design occupant load is greater than fifty (50), regardless of the occupancy. For the purpose of this section, area separation walls cannot be used to define separate buildings.

512.03 Radio coverage.

512.03.1 Except as otherwise provided in this article, no person shall erect

construct or modify any building or structure or any part thereof, or cause the same to be done which fails to support adequate radio coverage for firefighters and police officers. A final inspection shall not be approved for any building or structure that fails to comply with this requirement.

512.03.2 The city's Telecommunications unit with consideration of the appropriate police, fire and emergency medical department services, at the time the building permit is issued, shall determine the frequency range or ranges that must be supported. For the purpose of this section, adequate radio coverage shall constitute a successful communications test between the building and the communications centers for all appropriate emergency service providers for the building.

(pp) Section 901.2 is amended by deleting Section 901.2.1 in its entirety and enacting the following new subsections.

Sec. 901.2.1 Plans for fire sprinkler systems. Complete plans and hydraulic calculations for fire sprinkler systems installations shall be submitted for review and approval prior to beginning installation, modification or alteration. Plans shall be drawn to an indicated scale, on sheets of uniform size and shall show, as a minimum the data required by NFPA 13-2002. Water supply data for hydraulic calculations shall be based on the available water supply as determined by flow test information less a 10psi safety factor. An additional copy of these plans shall be submitted in an electronic format suitable to the fire department.

901.2.2 Fire Plan submittals shall be in accordance with the standard plan review format as provided by the Arizona Automatic Fire Alarm Association. Sprinkler Plan submittals shall be provided in accordance with the standard plan submittal as provided by the Arizona Fire Marshals Association.

901.2.3 Plan Certification for fire alarms and occupant notification. All fire alarm and occupant notification system plans shall be designed by a professional registrant in accordance with the Arizona Board of Technical Registration. Fire alarm installation drawings shall bear a review certification of a minimum NICET Level III in Fire Alarms.

901.2.4 Plan certifications for fire sprinkler systems. All fire sprinkler system plans shall be designed by a professional registrant in accordance with the Arizona Board of Technical Registration. Fire alarm installation drawings shall bear a review certification of a minimum NICET Level III in Fire Alarms.

901.2.5 Plan certification for all other fire protection systems. Plan certification for all other fire protection systems will be accompanied by a certification of competence when required.

901.2.6 On-Site Plans. Plans and specifications shall be submitted to the fire department for

review and approval prior to construction. One set of fire department approved plans shall be on the job site for each inspection.

(qq) Section 901.4. Installation is amended to read as follows:

901.4 Installation. Fire protection systems shall be maintained in accordance with the original installation standards for that system. Systems shall be extended, altered, or augmented as necessary to maintain and continue protection whenever the building is altered, remodeled or added to. Alterations to fire protection systems shall be done in accordance with applicable standards.

(rr) Section 901.6 is amended by adding the following new subsections 901.6.3 Testing and 901.6.4 Qualifications of Testing Personnel which shall read as follows:

901.6.2.2 Records. All individuals/businesses performing tests, maintenance, or repair on any fire protection system shall forward itemized reports of such work to the Fire Code Official within 30 days of the work performed.

Exception: R3 and R5 occupancies not including residential care facilities.

Section 901.6.3 Testing. All fire protection systems and fire extinguishers (fire alarms; fire hydrants; fire sprinklers; standpipes; Halon systems and other special types of automatic fire extinguishing systems; basement pipe inlets; and other fire-protection systems and appurtenances) shall be tested annually or as required by nationally recognized standards. System test certification shall be retained by the occupant of the building where the system is located and a copy mailed to the Peoria Fire Department, Fire Prevention Division. These systems shall be inspected, tested and maintained by a contractor holding a permit from the City of Peoria Fire Prevention Division.

Section 901.6.4 Qualifications of Testing Personnel. All permitted personnel must meet one or more of the qualifications listed in Section 901.10.2 of these amendments.

(ss) Section 901.7. Systems out of service is amended to read as follows:

901.7 Systems out of service. Where a required fire protection system is out of service, the fire department and the fire code official shall be notified immediately, and where required by the fire code official, the building shall either be evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shut down until the fire protection system has been returned to service.

Where utilized, fire watches shall be provided with at least one approved means for notification of the fire department and their only duty shall be to perform constant patrols of the

protected premises and keep watch for fires.

No required fire sprinkler system or fire alarm system shall be placed out of service for more than 8 hours in any one day without written authorization by the fire code official.

(tt) Section 901.10 is amended by adding Section 901.10.2 as follows:

Section 901.10.2 Each fire protection system installation, modification, or inspection job shall receive "direct supervision" from a "competent on-site person" or persons possessing the following necessary approvals:

Section 901.10.2.1 For Fire Alarm installation, modification, or inspections one or more of the following:

1. National Institute of Certification in Engineering Technology (NICET) fire alarm level II;
2. Successful completion of Local Exam; or
3. Other certification acceptable to the Fire Code Official.

Section 901.10.2.2 For Fire Sprinkler System and underground fire line installation, modification, or inspections one or both of the following:

1. Successful completion of Local Exam; or
2. Other certification acceptable to the Fire Code Official.

Section 901.10.2.3 For Fire Special Hazard Fire System installation, modification or inspection for one or more of the following:

1. National Institute of Certification in Engineering Technology (NICET) special hazards suppression systems level II;
2. Successful completion of Local Exam; or
3. Other certification acceptable to the Fire Code Official.

Section 901.10.2.4 The "competent on-site person" shall have in their possession documentation of their qualifications and a picture I.D. These documents must be presented to the Fire Code Official or designated representative upon request.

(uu) Section 903.1. General is amended to read as follows:

Sec. 903.1.1 All commercial occupancies for which a building or construction permit is obtained shall be equipped throughout the entire structure with a fully automatic sprinkler system meeting the requirements of NFPA 13.

Existing occupancies will not require retrofitting of the fire sprinkler system to code standards unless:

1. Structure fire resistance is decreased; or

2. Building area is enlarged and the total square foot of the building is increased to more than two thousand five hundred (2500) square feet; or

3. Building occupant load is increased; or

4. Building occupancy classification is changed to a more hazardous occupancy.

5. Buildings having a fire or other casualty damages exceeding fifty percent (50%) of their fair market valuation at the time of the fire or other damage will require retrofitting of sprinkler systems.

Unless otherwise required by the Fire Code, vehicle parking, gasoline dispensing island canopies, and porte cocheres attached to or within three (3) feet of a building shall have automatic fire sprinkler installation.

EXCEPTION: Unattached outer buildings two-hundred (200) square feet or less do not require fire sprinklers. Unattached outer buildings of two hundred (200) square feet or less shall be located three (3) feet or more from any structure on the property.

903.1.1.2 **Identification of sprinkler system capabilities and limitations.** An adhesive label shall be permanently installed at or adjacent to each sprinkler riser. When a building contains more than four risers, the sign shall be located at an approved location inside the building. When sprinkler risers are located outside of the building, the sign shall be stamped metal. The minimum sign dimension is 6-inches high by 4-inches wide. The sign shall specify the capabilities and limitations of the automatic sprinkler system. The sign shall include the following information:

1. The design base or basis, including the edition used.
2. A statement indicating if the sprinkler design is the control mode density area method, control mode specific application, suppression mode, or any combination thereof.
3. When used, all of the storage conditions stipulated NFPA 13, Section 12.7 for special designs.
4. The maximum storage height.
5. The minimum required aisle width.
6. If storage is in racks, the maximum rack width and minimum transverse and longitudinal flue widths.
7. Commodities that can be protected by the automatic sprinkler system.
8. Commodities that cannot be protected by the automatic sprinkler system.
9. Limits on storage heights of idle wood and plastic storage.
10. Limits on storage heights of miscellaneous Group A plastic, tire and rolled paper

storage.

11. Locations where in-rack sprinklers are required.
12. Locations where horizontal and/or vertical barriers are required.
13. Information explaining the manufacturer, sprinkler identification number, k-factor, and operating temperature of the overhead sprinklers protecting the high pile storage.

Section 903.1.3 Fire Protection Equipment is amended and shall read as follows:

Section 903.1.3 Fire Protection Equipment

Section 903.1.3.1 All Class "A" Fire Alarms shall be designed and installed in such a manner that the failure, removal, or destruction of any single alarm-actuating or alarm-indicating device or break in the wiring circuit will not interfere with the normal operation of any other such devices.

(vv) Section 903.2.2 is amended to read as follows:

Sec. 903.2.2 Group E. An automatic fire sprinkler system shall be provided throughout all Group E Occupancies.

(ww) Section 903.2.7 "Group R" is amended by adding the following subsections which shall read as follows:

903.2.7.1 **Group R Division 2 Occupancies.**

903.2.7.1.1 **New Construction:** All new Group R, Division 2 occupancies shall be required to install a residential fire sprinkler system for the FIRE AREA of the building. If any portion of a patio has livable space directly above the patio, the patio shall have sprinkler protection below the livable space.

903.2.7.1.2 **Remodeling:** If an existing Group R, Division 2 occupancy requires a City permit to modify the structure, then the existing and new portions of the occupancy shall be required to have a residential fire sprinkler system if any one or more of the following conditions exist:

903.2.7.1.2.1 The FIRE AREA square footage of the building, including the remodel, is five thousand (5,000) square feet or greater.

903.2.7.1.2.2 Fire flows to the entire building cannot be met in accordance with Appendix B Fire Flow Requirements For Buildings and Table B105.1 Minimum Required Fire Flow and Flow Duration For Buildings.

903.2.7.1.2.3 The occupancy is not connected to a public or public service corporation water

system.

903.2.7.2 **Group R, Division 3 Occupancies.**

903.2.7.1 **Group R, Division 3 Occupancies South of and immediately adjacent to the centerline of Dixileta Road alignment and East of the Agua Fria River.** In any new Group R, Division 3 occupancies located South of Dixileta Road alignment and East of the Agua Fria River alignment where the FIRE AREA square footage of the building is five thousand (5000) square feet or greater, an automatic sprinkler system shall be installed throughout the building.

903.2.7.2.1.1. **Exception:** Residential sprinklers shall be permitted to be omitted from such occupancies if both of the following conditions are met: (1) the FIRE AREA square footage is less than five thousand (5000) square feet, and (2) the required fire flows are met in accordance with Appendix B-Fire Flow Requirements For Buildings and Table B105.1 Minimum Required Fire Flow and Flow Duration For Buildings.

If the fire flows cannot be met, a residential sprinkler system shall be installed.

903.2.7.2.1.2 **Remodeling:** If an existing occupancy is to be changed by the enclosure of existing patios, porches, entry ways, or by the addition of new enclosed space which increases the total square footage of the Fire Area as defined in this Code to Five Thousand (5,000) square feet or greater, then this requirement shall apply.

903.2.7.2.1.3 **Livable Space Above Patios:** If a residence has sprinkler protection and any portion of a patio has livable space directly above the patio, the patio shall have sprinkler protection below the livable space.

Exception: FIRE AREA shall exclude covered unenclosed patios if there is no livable space directly above.

903.2.7.2.1.4 **Home Buyer Option:** In any new Group R, Division 3 occupancies located South of the Dixileta Road alignment and East of the Agua Fria River alignment, each builder, contractor or developer shall offer to each home buyer as an option, at the time of purchase, a residential fire sprinkler system.

903.2.7.2.1.4.1 The option shall include a competitive cost of installing an automatic fire sprinkler system equipped with residential fire sprinkler heads for the FIRE AREA of the structure. This option is to be included on the development list of options.

903.2.7.2.1.4.2 The builder, contractor or developer shall provide to each home buyer a copy of educational materials prepared by the City on residential fire sprinkler systems with each

model price list.

903.2.7.2.1.4.3 A signed affidavit, using a form approved by the Peoria Fire Department, by the buyer indicating that this option was offered shall be retained by the developer at his home office, available for inspection by the City for a period of one (1) year from the time of closure of the residence.

903.2.7.2.2 **Group R, Division 3 Occupancies North of and immediately adjacent to the centerline of Dixileta Road Alignment and West of the Agua Fria River.**

903.2.7.2.2.1 **New Construction:** In all new Group R, Division 3 occupancies located North of the Dixileta Road alignment and West of the Agua Fria River alignment, an automatic sprinkler system shall be installed throughout the building.

903.2.7.2.2.2 **Remodeling:** If an existing Group R, Division 3 occupancy located North of the Dixileta Road alignment and West of the Agua Fria River alignment requires a City permit to modify the structure, then the existing and new portions of the occupancy shall be required to have a residential fire sprinkler system if any one or more of the following conditions exist:

903.2.7.2.2.2.1 The FIRE AREA square footage of the building, including the remodel, is five thousand (5,000) square feet or greater.

903.2.7.2.2.2.2 Fire flows to the entire building cannot be met in accordance with Appendix B Fire Flow Requirements For Buildings and Table B105.1 Minimum Required Fire Flow and Flow Duration For Buildings.

903.2.7.2.2.2.3 The occupancy is not connected to a public or public service corporation water system.

903.2.7.2.3 Wildland/Urban Interface. In Group R, Division 3 occupancies in areas that are classified by the code official as Wildland/Urban Interface, if an occupancy has a private or shared drive~~s~~ leading to one or more single family dwelling, the occupancy shall be required to install a residential fire sprinkler system for the FIRE AREA of the building.

903.2.7.2.4 **Water Supply.** In Group R, Division 3 occupancies that are new or require a City permit to modify the structure, regardless of location, if they are not connected to a public or public service corporation water system and are on a private well, an automatic sprinkler system shall be installed throughout the building. If any portion of a patio has livable space directly above the patio, the patio shall have sprinkler protection below the livable space.

903.2.7.3 **Group R, Division 4 Occupancies.**

903.2.7.3.1 **New Construction:** All new Group R, Division 4 occupancies licensed by the Arizona Department of Health Services for more than five (5) residents or day care shall be required to install a residential fire sprinkler system for the FIRE AREA of the building. If any portion of a patio has livable space directly above the patio, the patio shall have sprinkler protection below the livable space.

903.2.7.3.2 **Remodeling:** If an existing Group R, Division 4 occupancy that is licensed by the Arizona Department of Health Services for more than five (5) residents or day care requires a City permit to modify the structure, then the existing and new portions of the occupancy shall be required to have a residential fire sprinkler system.

903.2.7.4 **Urban-Wildland Interface Area.** All Group R Occupancies in an Urban-Wildland Interface Area shall comply with the 2003 International Urban-Wildland Interface Code and the following:

903.2.7.4.1 Definitions:

Drive Length is measured from the entrance of the drive to the structure.

Drive Width is measured from the edges of the designated improved drivable surface. 2-12-2 and 2-16-2, is a 2 foot clear AW surface on both sides of a 12 or 16 foot hard surface drive.

Grade is the degree of inclination of a slope, road, or other surface (see slope).

Hard Surface is a drive surface of concrete, asphalt, or pavers designed to support vehicles in excess of 75,000 pounds GVW under any weather condition.

Hose Lay is the extension of a hand held fire hose as it is extended around the perimeter of the structure. If the hose lay is more than 200 feet from the road to all portions of the exterior, an Operational Platform is required.

Operational Platform is an area located on site where the emergency vehicle is staged while performing emergency medical or fire fighting operations. The platform shall be 20 feet by 30 feet with a maximum cross grade of 5 percent. Operational platforms are required when a drive or adjacent street grade is greater than 12% slope or the hose lay from the truck staging area to all portions of the exterior of the structure are greater than 200 feet.

Person is a natural person, heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

Slope is the ground, road or other surface that forms a natural or artificial incline. The percentage of slope is determined by dividing the rise by the horizontal run multiplied by 100 [% slope = (Rise/Run) X 100].

Turn-a-round is required for emergency vehicles when the structure is more than 200 feet from the road. This can be accomplished with a circle drive with an outside radius of 40'6", T-Type hammer head 16' X 76', or a variation there of.

Turn-out is required on all extended driveways 300 feet or greater in length to a single residence. A turnout shall widen to 20 feet minimum width over minimum length of 45 feet.

903.2.7.4.2 Determination of Requirements: To determine specific fire service feature requirements for Urban Wildland Interface areas based upon access grades to the structure or parcel, Table 9-33(e) shall be used.

(xx) Section 903.4.1. Signals, is amended to read as follows:

903.4.1 Signals. Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an Underwriters Laboratory listed or Factory Mutual approved central station, remote supervising station, or proprietary supervising station as defined in NFPA 72. As an alternative, when approved by the Fire Code Official, such signals shall sound an audible signal at a constantly attended location.

Exceptions:

1. Underground key or hub valves in roadway boxes provided by the municipality or public utility are not required to be monitored.

2. Backflow prevention device test valves, located in the limited area sprinkler system supply piping, shall be locked in the open position. In occupancies required to be equipped with a fire alarm system, the backflow preventer valves shall be electrically supervised by a tamper switch installed in accordance with NFPA 72 and separately annunciated.

(yy) Section 906.1 is amended by repealing the exception in its entirety.

Section 906.2 is amended by repealing the exception in its entirety.

(zz) Section 907.2. Where required-new buildings and structures is amended to read as follows:

Section 907.2. Where required-new buildings and structures. An approved manual, automatic, or manual and automatic fire alarm system shall be provided in new buildings and structures in accordance with Sections 907.2.1 through 907.2.23. Where automatic sprinkler protection is installed in accordance with Section 903.3.1.1 or 903.3.1.2 is provided and connected to the building fire alarm system, automatic heat detection required by this section shall not be required. All required fire alarms shall be designed as Class A.

An approved automatic fire detection system shall be installed in accordance with the provisions of this code and NFPA 72. Devices, combinations of devices, appliances and equipment shall comply with Section 907.1.2. The automatic fire detectors shall be smoke detectors, except that an approved alternative type of detector shall be installed in spaces such as boiler rooms, where, during normal operation, products of combustion are present in sufficient quantity to actuate a smoke detector.

(aaa) Section 907.2.10.5 is enacted and includes the following subsections which shall read as follows:

Section 907.2.10.5 Carbon Monoxide Detectors

907.2.10.1.5.1 General. Dwelling units, congregate residences and hotel or lodging house guest rooms shall be provided with carbon monoxide detectors, when Gas (Natural or LPG), Oil, Kerosene or Wood burning appliances are used for heating, recreational purposes or cooking internal to the structure.

907.2.10.1.5.2 Power Source. The power source shall be a battery or domestic electrically operated system as defined by the manufacturer.

907.2.10.1.5.3 Location within the structure. Carbon Monoxide Detectors are recommended to be installed in the hallway outside of the sleeping areas and outside of furnace rooms.

907.2.10.1.5.4 Additions, alterations or repairs to these Occupancies. When the valuation of an addition, alteration or repair to a Group R Occupancy exceeds $1000.00, a permit is required, or when Gas (Natural or LPG), Oil, Kerosene or Wood burning appliances is added to the structure a carbon monoxide detector shall be installed in accordance with Sections 8 Carbon Monoxide Detectors.

(bbb) Section 1003.6 Means of egress continuity is amended by adding the following subsections 1003.6.1 and 1003.2 which shall read as follows:

1003.6.1 The required width of a means of egress is defined as the total width of the corridor, exit, exit access, and exit discharge that was designed in the structure or building when it was constructed.

1003.6.2 Storage in any part of a means of egress, corridor, exit, exit access, or exit discharge is prohibited.

1003.6.3 The required width of a means of egress is defined as the total width of the corridor, exit, exit access, and exit discharge that was designed in the structure or building when it was constructed.

1003.6.4 Storage in any part of a means of egress, corridor, exit, exit access, or exit discharge is prohibited.

(ccc) Section 1412 is amended by adding Section 1412.1 which shall read as follows:

1412.1 When required. An approved water supply for fire protection, either temporary or permanent, shall be made available before combustible material arrives on the site. The minimum fire flow requirement when a contractor or developer brings combustible materials on site is 1,500 gpm at 20 psi. At least one fire hydrant shall be within 500 feet of any combustible materials and capable of delivering the minimum fire flow requirement. Any hydrant may be either temporary or permanent as the project schedule permits. In addition, there are times when hydrants and valves must be closed temporarily for repair work or construction of the water system. The developer/contractor is responsible for ensuring that the water supply is available at all times. When the work is complete, developer/contractor shall coordinate with the Utilities Department to make sure that the fire hydrants are active and the valves are open.

(ddd) Section 2208.3 is amended by adding the following subsection 2208.3.2 Vehicle impact protection.

Section 2208.3.2 Vehicle impact protection. Vehicle impact protection for CNG gas storage containers, pumps and dispensers shall be provided in accordance with section 2206.4.

(eee) Table 2306.2 is replaced with the following table

TABLE 2306.2 GENERAL FIRE PROTECTION AND LIFE SAFETY REQUIREMENTS

COMMODITY CLASS	SIZE of PILED STORAGE AREA (square feet) (Sections 2306.2 & 2306.4) [1]	ALL STORAGE AREAS (See Sections 2306, 2307 and 2308) [2]	SOLID PILED STORAGE, SHELF STORAGE AND PALLETIZED STORAGE (see Section 2307.3)

		Automatic Fire Sprinkler System (see Section 2306.4)	Building Access (see Section 2306.6)	Smoke and heat removal (see Section 2306.7)	Curtain boards (see Section 2306.7)	Maximum Pile dimension [3] (feet)	Maximum permissible storage height[4] (feet)	Maximum pile volume (cubic feet)
	2,501-12,000	Yes	Not Required[5]	Not Required	Not Required	100	40	400,000
	12,000-20,000	Yes	Yes	Yes	Not Required	100	40	400,000
	20,001-500,000	Yes	Yes	Yes	Not Required	100	40	400,000
	Greater than 500,000[7]	Yes	Yes	Yes	Not Required	100	40	400,000
	501-2,500	Yes	Not Required	Not Required	Not Required	50	30	75.000
	2,501-300,000	Yes	Yes	Yes	Not Required	50	30	75,000
	300,001-500,000[6 7]	Yes	Yes	Yes	Not Required	50	30	75,000

1 When the fire sprinkler systems are required for reasons other than those in Chapter 23, the portion of the sprinkler system protecting the high-piled storage area shall be designed in accordance with Sections 2307 and 2308.

2 For aisles, see Section 2306.9.

3 Piles shall be separated by aisles complying with Section 2306.9.

4 For storage in excess of the height indicated, special fire protection shall be provided in accordance with Note If when required by the code official. See also Chapters 28 and 34 for aerosols and flammable and combustible liquids.

5 Section 503 shall apply for fire apparatus access.

6 Special fire protection provisions such as, but not limited to, fire protection of exposed steel columns; increased sprinkler density; additional in-rack sprinklers, without associated reductions. In ceiling density; or additional fire department hose connections shall be provided when required by the code official.

7 High piled storage areas shall not exceed 500,000 square feet. A 2-hour fire wall constructed in accordance with the International Building Code shall be used to divide high-piled storage exceeding 500,000 square feet in area.

(fff) Section 2604.2.6 Fire extinguishers is amended to read as follows:

2604.2.6 Fire extinguisher. A minimum of one portable fire extinguisher complying with Section 906 and with a minimum 2-A:20-B:C rating shall be readily accessible within 30 feet (9144 mm) of the location where hot work is performed and shall be accessible without climbing stairs or ladders.

(ggg) Section 2701.5 Permits is amended to read as follows:

2701.5 Permits. Permits shall be required as set forth in Sections 105.6 and 105.7.

When required by the fire code official, permittees shall apply for approval to permanently close a storage, use or handling facility. Such application shall be submitted at least 30 days prior to the termination of the storage, use or handling of hazardous materials. The fire code official is authorized to require that the application be accompanied by an approved facility closure plan in accordance with Section 2701.5.3.

Definitions:

Group 0: No Hazardous Materials on site.

Group 1: Special Information is required to be submitted by any facility that has quantities of chemicals greater than the permitted quantities as listed in the International Fire Code, but less than the following:

a) 55 gallons of a liquid
b) 500 pounds of a solid
c) 200 cubic feet of a gas
d) 2,500 pounds of an aerosol product.

Special Information that must be submitted shall include:

a) A hazardous materials classification form.
b) A hazardous materials inventory statement (HMIS).

Group 2: Special information is required to be submitted by any facility that has quantities of chemicals on site greater than the following but less than the exempt amounts as determined by the International Fire Code:

a) 55 gallons of a liquid.
b) 500 pounds of a solid.
c) 200 cubic feet of a gas.
d) 2,500 pounds of an aerosol product.

Special Information that must be submitted shall include:

a) A hazardous materials classification form.
b) A hazardous materials inventory statement (HMIS).
c) A hazardous materials storage plan.

Group 3: Special information comprised of a Hazardous Materials Management Plan (HMMP)

shall be submitted whenever:

a) Hazardous Materials exceed exempt amounts specified in IFC
b) IFC requires detached storage.
c) The building or site has multiple International Building Code Group H occupancy classifications.
d) The facility is a Group H-5 Semiconductor facility.
e) SARA Title III extremely hazardous substance is used, handled or stored on site in quantities requiring an IFC permit and which are above threshold planning quantities.
f) When otherwise determined necessary by the Fire Marshal because of unique circumstances.

(hhh) Section 2701.5.1 Hazardous Materials Management Plan is amended to read as follows:

2701.5.1 Hazardous Materials Management Plan. When required by the fire code official, each application for a permit shall include a Hazardous Materials Management Plan (HMMP). The HMMP shall include a facility site plan and include the information set forth below.

HMMP shall be submitted annually no later than March 1st of each calendar year or more often if the hazardous material amounts change by greater than 10% in any single category or overall. HMMP shall be submitted electronically in a format acceptable to the Peoria Fire Department. The submittal shall be required to determine Fire Code Permitting criteria for storage, use, and/or handling of hazardous materials within the City of Peoria. Any electronic submittal is acceptable as long as the data will import or interface with the software program currently being used by the Fire Department. Electronic reporting shall be required for all new and existing facilities upon permit renewal.

1. Storage and use areas.

2. Maximum amount of each material stored or used in each area.

3. Range of container sizes

4. Locations of emergency isolation and mitigation valves and devices.

5. Product conveying piping containing liquids or gases, other than utility-owned fuel gas lines and low pressure fuel gas lines.

6. On and off positions of valves for valves that are of the self indicating type.

7. Storage plan showing the intended storage arrangement, including the location and dimensions of aisles.

8. The location and type of emergency equipment. The plans shall be legible and drawn approximately to scale. Separate distribution systems are allowed to be shown on separate pages.

(iii) Section 2701.5.2 Hazardous Materials Inventory Statement is amended to read as follows:

2701.5.2 Hazardous Materials Inventory Statement (HMIS). Where required by the fire code official, an application for a permit shall include an HMIS, such as SARA (Superfund Amendments and Reauthorization Act of 1986) Title III, Tier II Report, or other approved statement. The HMIS shall include the information set forth below.

A HMIS shall be submitted annually no later than March 1st of each calendar year or more often if the hazardous material amounts change by greater than 10% in any single category or overall. HMIS shall be submitted electronically in a format acceptable to the Peoria Fire Department. The submittal shall be required to determine Fire Code Permitting criteria for storage, use, and/or handling of hazardous materials within the City of Peoria. Any electronic submittal is acceptable as long as the data will import or interface with the software program currently being used by the Fire Department. Electronic reporting shall be required for all new and existing facilities upon permit renewal.

1. Manufacturer's name.

2. Chemical name, trade names, hazardous ingredients.

3. Hazard classification.

4. MSDS or equivalent.

5. United Nations (UN), North America (NA) or the Chemical Abstract Service identification number.

6. Maximum quantity stored or used on site at one time.

7. Storage conditions related to the storage type, temperature and pressure.

(jjj) Section 2703.5 Hazard Identification Signs is amended and shall read as follows:

2703.5 Hazardous Identification Signs. Unless otherwise exempted by the fire chief, visible

hazardous identification signs as specified in NFPA 704 for the specific material contained shall be placed on stationary containers and above ground tanks and at entrances to locations where hazardous materials are stored, dispensed, used or handled in quantities requiring a permit or as required by the fire chief at specific entrances and locations designated by he fire chief.

(kkk) Section 3301.2.4 is amended by adding Section 3301.2.4.3 which shall read as follows:

3301.2.4.3 Notification requirements. Prior to conducting blasting operations or fireworks displays the permit holder is required to notify all residents within a 2,000 ft. radius of the property line of the property subject to the permit.

(lll) Section 3308.11 is amended to read as follows:

Sec. 3308.11 Retail display and sale. It is unlawful to sell, use or possess for use consumer fireworks. Fireworks may only be possessed by a person having a validly issued permit from the Fire Code Official for a display permitted on a specific date.

(mmm) Section 4002.1 Definitions is added as follows:

4002.1 Definitions. The following words and terms shall, for the purposes of this chapter and as used elsewhere in this code, have the meanings shown herein.

LIQUID OXYGEN HOME CARE CONTAINER. A container used for liquid oxygen not exceeding 15.8 gallons (60 liters) specifically designed for use as a medical device as defined by 21 USC Chapter 9, the United States Food, Drug and Cosmetic Act that is intended to deliver gaseous oxygen for therapeutic use in a home environment.

LIQUID OXYGEN AMBULATORY CONTAINER. A container used for liquid oxygen not exceeding 0.396 gallons (1.5 liters) specifically designed for use as a medical device as defined by 21 USC Chapter 9, the United States Food, Drug and Cosmetic Act that is intended for portable therapeutic use and to be filled from its companion base unit (a liquid oxygen home care container).

OXIDIZING CRYOGENIC FLUID. An oxidizing gas in the cryogenic state.

(nnn) Section 4006 Liquid Oxygen in Home Health Care is added as follows:

SECTION 4006 LIQUID OXYGEN IN HOME HEALTH CARE

4006.1 General. The storage and use of liquid oxygen (LOX) in Group I-1, I-4 and R occupancies for home health care shall comply with Sections 4006.2 through 4006.3.7.3, as

applicable.

4006.2 Information and instructions to be provided. The supplier of liquid oxygen shall provide the user with the following information in written form:

1. Manufacturer's instructions for operation of the containers used and labeling.
2. Containers shall be located away from ignition sources, exits, electrical hazards and high temperature devices.
3. Containers shall be restrained to prevent falling.
4. Requirements for transporting containers.
5. Safeguards to be followed when containers are refilled.
6. Signage as required by Section 4006.3.4

4006.3 Liquid oxygen home care containers. Only liquid oxygen home care containers no larger than 15.8 gal (60 liters) and liquid oxygen ambulatory containers shall be allowed in Group I-1, I-4, and R occupancies. These containers shall be stored, used, and filled in accordance with Sections 4006, 3203.1 and 3203.2.

4006.3.1 Manufacturer's instructions and labeling. Containers shall be stored, used and operated in accordance with the manufacturer's instructions and labeling.

4006.3.2 Locating containers. Containers shall not be located in areas:

1. Where they can be overturned due to operation of a door,
2. Where they are in the direct path of egress,
3. Subject to falling objects,
4. Where they may become part of an electrical circuit, or
5. Where open flames and high temperature devices can cause a hazard.

4006.3.3 No smoking. Smoking shall be prohibited in rooms or areas where liquid oxygen is in use.

4006.3.4 Signs. Warning signs for occupancies using oxygen in home health care shall be accordance with Sections 4006.3.4.1 and 4006.3.4.2

4006.3.4.1 No Smoking. A sign stating "OXYGEN NO SMOKING" shall be posted in the room or area where any liquid oxygen home care container is stored or used and liquid oxygen ambulatory containers are filled.

4006.3.4.2 Premises. Each dwelling unit or sleeping unit shall have an approved sign indicating that the unit contains liquid oxygen home care containers.

4006.3.5 Restraining containers. Liquid oxygen home care containers shall be restrained while in storage or use to prevent falling caused by contact, vibration, or seismic activity. Containers shall be restrained by one of the following methods:

1. Restraining containers to a fixed object with one or more restraints.
2. Restraining containers within a framework, stand, or assembly designed to secure the container.
3. Restraining containers by locating a container against two points of contact like the walls of a corner of a room or a wall and a secure furnishing or object like a desk.

4006.3.6 Container movement. Containers shall be transported by use of a cart or hand truck designed for such use.

Exceptions:
1. Liquid oxygen home care containers equipped with a roller base.
2. Liquid oxygen ambulatory containers are allowed to be hand carried.

4006.3.7 Filling of containers. The filling of containers shall be in accordance with Sections 4006.3.7 through 4006.3.7.3.

4006.3.7.1 Filling of home care containers. Liquid oxygen home care containers shall be filled outdoors.

4006.3.7.1.1 Incompatible surfaces. A liquid oxygen compatible drip pan shall be provided under home care container fill connections during the filling process in order to protect against liquid oxygen spillage from coming into contact with combustible surfaces, including asphalt.

4006.3.7.2 Filling of ambulatory care containers. The filling of liquid oxygen ambulatory containers is allowed indoors where the supply container is designed to fill them and written instructions are provided by the container manufacturer.

4006.3.7.3 Open flames and high temperature devices. The use of open flames and high temperature devices shall be in accordance with Section 2703.7.2.

4006.3.8 Maximum allowable quantity. The maximum allowable quantity of liquid oxygen in each dwelling unit or sleeping unit shall be 31.6 gallons (120 L) with not more than 15.8 gallons (60 L) in storage.

4006.3.9 Fire department notification. The liquid oxygen supplier shall notify the Fire Department of the locations of liquid oxygen home care containers.

(ooo) D103.6.1 Roads 20 to 26 feet in width. Fire apparatus access roads 20 to 26 feet wide (6096 to 7925 mm) shall be posted on both sides as a fire lane.

(ppp) D103.6.2 Roads 26 to 28 feet in width. Fire apparatus access roads 26 feet wide (7925 mm) to 28 feet wide (9754 mm) shall be posted on one side of the road as a fire lane.

(qqq) Section D105 is amended by adding the following subsection D105.4 which shall read as follows:

Section D105.4 Buildings exceeding 30 feet (9144 mm) in height above the lowest level of Fire Department access shall meet the requirements listed in Section D104.1.

Exception: Apartment buildings equipped with an NFPA 13R sprinkler system.
(Code 1977, § 4-3-2)
(Ord. No. 90-30, 8/28/90)
(Ord. No. 00-116, 7/18/2000, Renumbered from Section 9-34 and Enacted) SUPP 2000-3
(Ord. No. 01-150, 8/21/01, Amended) SUPP 2001-3
(Ord. No. 02-41, 6/4/02, Amended (l) and (m)) SUPP 2002-2
(Ord. No. 02-65, 7/9/02, Amended Tables 9-33(b) and (c)) SUPP 2002-3
(Ord. No. 03-168, 9/2/03, Amended) SUPP 2003-3
(Ord. No. 05-34, 7/5/05, Amended) SUPP 2005-3
(Ord. No. 06-23, 07/11/06, Amended) SUPP 2006-03
(Ord. No. 07-35, 11/06/07, Amended) SUPP 2007-04

Sec. 9-34. Reserved.
(Code 1977, § 4-3-5)
(Ord. No. 90-30, 8/28/90)
(Ord. No. 93-27, 7/6/93, Amended to add (b),(c),(d),(h),(i),and (j))
(Ord. No. 95-01, 1/17/95, Amended to add appendix I-A)
(Ord. No. 96-95, 11/19/96, 1994 amendments adopted)
(Ord. No. 00-116, 7/18/2000, Renumbered to Section 9-33 and Reserved) SUPP 2000-3

Sec. 9-35. Reserved.
(Code 1977, § 4-3-3)
(Ord. No. 90-30, 8/28/90)
(Ord. No 00-116, 7/18/2000, Repealed and Reserved) SUPP 2000-3

Sec. 9-36. Uniform Fire Code; conformance with other codes.

A. All installations, businesses, commercial, industrial, and multi-family residential properties regulated by the uniform fire code, shall also comply with the zoning code, building code and engineering standards of the city.

B. Where any provision of the Uniform Fire Code conflicts with the provisions of the Zoning Code, Building Code or Engineering standards of the City, the most restrictive code or standard shall apply.

(Code 1977, § 4-3-4)
(Ord. No. 90-30, 8-28-90)

Sec. 9-37. Uniform Fire Code, other codes; notice of violation.

(a) if, at any time after an inspection, the city finds one or more violations of the uniform fire code, or any other city code, the city shall in writing notify the owner or responsible party with a notice of violation sent first class united states mail or any other means reasonably calculated to provide notice to the property owner. If notice is returned by the postal service, the city may post the notice of violation upon the property. If the property in violation is not owner occupied and it contains imminent hazards, the city shall also notify the occupants.

(b) the notice of violation shall include:

(1) identification by street address of the property in violation.

(2) Statement of violations in sufficient detail to allow a responsible party to identify and correct the problem.
(3) Identification of a city representative to contact.
(4) Penalties
(a) civil, fines from $50.00 To $2,500.00
(b) criminal, fines and incarceration up to one year.
(Ord. No. 96-95, 11/19/96, enacted)

Sec. 9-38. Recording notice of violation.

The notice of violation shall run with the land. The city in its sole option may record a notice of violation with the Maricopa County Recorder and thereby cause compliance by an entity thereafter acquiring such property. The non-filing of any notice of violation shall in no way affect the validity of such notice as to the entities so notified. When the property is brought into compliance by the owner or responsible party, a satisfaction of notice of violation shall be filed at the request of the owner and at their expense. It is the property owner's responsibility to secure such satisfaction of notice of violation from the city.
(Ord. No. 96-95, 11\19\96, enacted)

Sec. 9-39. Enforcement independent of other officials.

The authority of the city to enforce the provisions of this chapter is independent of and in addition to the authority of other city officials to enforce any other provision of the city code.
(Ord. No. 96-95, 11\19\96, enacted)

Sec. 9-40. Establishment of civil penalties.

(a) The city may enforce the provisions of this chapter by the imposition of civil sanctions. Civil sanctions may not exceed the maximum amount of fine for a class one misdemeanor. If an alleged violator is served with a notice of civil violation pursuant to this chapter, he shall not be subject to a criminal charge arising out of the same facts.

(b) Civil sanctions shall be enforced as provided in chapter 15 of this code.
(Ord. No. 96-95, 11\19\96, enacted)

Sec. 9-41. Jurisdiction.

Jurisdiction of all proceedings to enforce the provision of this chapter shall be in the Municipal Court of the City of Peoria.
(Ord. No. 96-95, 11\19\96, enacted)

Sec. 9-42. Fire Department; codes; violations and penalties.

(a) The remedies herein are cumulative and the city may proceed under one or more such remedies.

(b) Any owner, responsible party or other person having control over a structure or parcel of land, who causes, permits, facilitates or aids or abets any violation of any provision of this chapter, unless specifically provided otherwise or who fails to perform any act or duty required by this chapter is subject to a civil sanction of not less than Seventy-Five dollars ($75.00) Nor more than two thousand, five hundred dollars ($2,500.00).

(c) Any owner, responsible party or other person having control over a structure or parcel of land, who causes, permits, facilitates or aids or abets any violation of any provision of this chapter, unless specifically provided otherwise or who fails to perform any act or duty required by this chapter is guilty of a class one misdemeanor.

(d) The owner of record as recorded in the maricopa county recorder's office shall be presumed to be a person having lawful control over a structure or parcel of land. If more than one person shall be recorded as the owner of the property, such persons shall be jointly and severally presumed to be persons having control over a parcel of land.

(e) Each day any violation of the provisions of this chapter or the failure to perform any act or duty required by this chapter is guilty of a class one misdemeanor.

(f) It is an affirmative defense for an owner of record that any violation of this chapter was caused by an act or acts of a lessee or tenant who was a resident of the property on the date the violation is alleged to have occurred. Such affirmative defense must be filed in the office of the city attorney at least twenty days in advance of the date set for trial.

(g) Any person who shall violate any of the provisions of this code or fail to comply therewith, or shall violate or fail to comply with any order made thereunder, or shall build, in violation of any detailed statement of specifications or plans submitted and approved thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by a City Hearing Officer or by a court of competent jurisdiction, within the time fixed herein shall severely for each and every violation and non-compliance respectively, be guilty of a class one misdemeanor, punishable by a fine of not more than Two Thousand, Five Hundred ($2,5000.00) dollars or by imprisonment, not to exceed six (6) months or by both such fine and imprisonment. Each day that a violation continues unabated shall be a separate offense punishable as herein above described.

(i) The correction of the violation under this chapter shall not be held to prevent the

enforcement of the violation in accordance with this section.

(h) Any person who violates a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a Class 1 Misdemeanor punishable by a fine or by imprisonment, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
(Ord. No. 96-95, 11\19\96, enacted)
(Ord. 03-168, 9/2/03, Amended) SUPP 2003-3

Sec. 9-43. Fire Department; unlawful acts

(a) It is unlawful for any person to refuse to obey an official order issued by the fire chief or designee.

(b) It is unlawful for any person to attempt to obstruct or obstruct the operations of the fire department in connection with a suspected or reported fire or other emergency, whether or not such fire or emergency is found to exist, or disobeys any lawful command of the chief or officer of the fire department who is in charge of such operations, or any part thereof, or any police officer assisting the fire department. Such person shall be guilty of a class one (1) misdemeanor.

(c) It is unlawful for any person to operate any vehicle in a negligent, willful or careless manner to permit the same to obstruct the progress of any apparatus of the fire department organization going to a suspected, reported or actual fire or other emergency or who shall willfully damage any hose or apparatus belonging to the fire department. Such person shall be guilty of a class one (1) misdemeanor. The Court shall order restitution to the City for any damage incurred from a violation of this section.

(d) It is unlawful for any person to cause any obstruction to be placed within ten (10) feet of the entrance to any fire station or other place where fire apparatus is stored or with fifteen (15) feet of any fire hydrants.

(e) It is unlawful for any person to load or unload flammable liquids to or from a tank vehicle unless such loading and unloading can be done with the entire tank vehicle located on private property where the loading or unloading is done.
(Ord. No. 96-95, 11\19\96, enacted)
(Ord. 03-168, 9/2/03, Amended) SUPP 2003-3

Secs. 9-44. through 9-45. Reserved.
(Ord. No. 96-95, 11/19/96)

(Ord. No. 00-116. 7/18/2000, Reserved) SUPP 2000-3
(Ord. No. 2010-33. 11/16/2010, Amended) SUPP 2010-4

Sec. 9-46. Fireworks; definitions.

(a) The following words, terms and phrases, when used in this article, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) Consumer fireworks means those fireworks defined by Arizona Revised Statutes Section 36-1601.

(2) Display fireworks means those fireworks defined by Arizona Revised Statutes Section 36-1601.

(3) Fireworks means any combustible or explosive composition, substance or combination of substances, or any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, that is a consumer firework, display firework or permissible consumer firework as defined by Arizona Revised Statutes Section 36-1601.

(4) Novelty item means federally deregulated novelty items that are known as snappers, snap caps, party poppers, glow worms, snakes, toy smoke devices, sparklers and certain toys as defined in Arizona Revised Statutes Section 36-1601.

(5) Permissible consumer fireworks means those fireworks as defined by Arizona Revised Statutes Section 36-1601 that may be sold within the City of Peoria even where the use of those items has been prohibited.

(6) Supervised public display means a monitored performance of display fireworks open to the public and authorized by permit by the Fire Marshall and/or Fire Chief or their designee
(Ord. No. 2010-33. 11/16/2010, Enacted) SUPP 2010-4

Sec. 9-47. Fireworks; prohibited; exceptions.

(a) The use, discharge or ignition of fireworks within the City of Peoria is prohibited. The use of all consumer fireworks is banned within the incorporated City of Peoria.

(b) Permits may be granted by the Fire Marshal and/or Fire Chief or their designee for conducting a properly supervised public display of fireworks. Every such public display of fireworks shall be of such character and so located, discharged or fired, only after proper inspection and in a manner that does not endanger persons, animals or property. A permit shall not be issued and may be

revoked, during time periods of High Fire Danger warnings. The Fire Marshal and/or Fire Chief have authority to impose conditions on any permits granted.

(c) Failure to comply with any permit requirements issued by the Fire Marshal and/or Fire Chief shall result in the immediate termination of the permit and imposition of a civil penalty of not less than five hundred dollars ($500.00) imposed by the Fire Chief. A revocation of the permit or imposition of a civil penalty may be appealed in the manner provided for license appeals pursuant to Chapter 11 of this code
(Ord. No. 2010-33. 11/16/2010, Enacted) SUPP 2010-4

Sec. 9-48. Fireworks; sale of fireworks; violations.

(a) No person shall sell or permit or authorize the sale of permissible consumer fireworks to a person who is under sixteen years of age.

(b) No person shall sell or permit or authorize the sale of permissible consumer fireworks in conflict with state law.

(c) It shall be a class one misdemeanor to sell, permit or authorize the sale of permissible consumer fireworks in violation of state law.
(Ord. No. 2010-33. 11/16/2010, Enacted) SUPP 2010-4

Sec. 9-49. Fireworks; posting of signs by persons engaged in the sale of fireworks; civil penalty.

(a) Prior to the sale of permissible consumer fireworks, every person engaged in such sales shall prominently display signs indicating the following:

(1) NOTICE: Use of fireworks, including permissible consumer fireworks is not allowed in the City of Peoria.

(2) Consumer fireworks authorized for sale under state law may not be sold to persons under the age of 16.

(b) Any person who obtains a business license for the sale of retail fireworks under this section shall have signage placed at each cash register and in each area where fireworks are displayed for sale informing customers that the use of fireworks in the City of Peoria is prohibited.

(c) The prominently displayed signs are required to be at least 8½ X 11 at a minimum and the type (font) size cannot be less than 1 inch in size.

(d) Failure to comply with subparts a, b, and c of this section is a civil offense punishable by a civil fine of not less than two hundred dollars ($250.00) for each violation
(Ord. No. 2010-33. 11/16/2010, Enacted) SUPP 2010-4

Sec. 9-50. Fireworks; authority to enforce violations of this article; means of enforcement.

(a) The Fire Marshal and/or Fire Chief or their designee, a police officer or the Peoria City Attorney may issue civil complaints to enforce violations of this article designated as civil offenses.

(b) Any person authorized pursuant to this section to issue a civil complaint may also issue a notice of violation specifying actions to be taken and the time in which they are to be taken to avoid issuance of a civil or criminal complaint.

(c) A Peoria police officer or the Peoria City Attorney may issue criminal complaints to enforce sections 9-46 through 9-52.
(Ord. No. 2010-33. 11/16/2010, Amended) SUPP 2010-4

Sec. 9-51. Fireworks; liability for emergency responses related to use of fireworks; definitions.

(a) A person who uses, discharges or ignites permissible consumer fireworks, fireworks or anything that is designed or intended to rise into the air and explode or to detonate in the air or to fly above the ground, is liable for the expenses of any emergency response that is required by such use, discharge or ignition. The fact that a person is convicted or found responsible for a violation(s) of this article is prima facie evidence of liability under this section.

(b) The expenses of an emergency response are a charge against the person liable for those expenses pursuant to subpart (a) of this section. The charge constitutes a debt of that person and may be collected proportionately by the public agencies, for-profit entities or not-for-profit entities that incurred the expenses. The person's liability for the expense of an emergency response shall not exceed five hundred sixty-nine dollars ($569.00) per hour of emergency response time for a single incident depending on the apparatus and personnel required to respond. The person will be liable for a minimum hourly rate upon response. The liability imposed under this section is in addition to and not in limitation of any other liability that may be imposed.

(c) For the purpose of this section:

(1) "Expenses of an emergency response" means reasonable costs directly incurred by public agencies, for-profit entities or not-for-profit entities that make an appropriate emergency response to an incident.

(2) "Reasonable costs" includes the costs of providing police, fire fighting, rescue and

emergency medical services at the scene of an incident and the salaries of the persons who respond to the incident
(Ord. No. 2010-33. 11/16/2010, Enacted) SUPP 2010-4

Sec. 9-52. Fireworks; penalty.

The penalty for violating any prohibition or requirement imposed by this article is a class two misdemeanor and is punishable by a fine not to exceed seven hundred fifty dollars ($750.00) or jail time not to exceed four (4) months.
(Ord. No. 2010-33. 11/16/2010, Enacted) SUPP 2010-4

Secs. 9-53 through 9-55. Reserved.
(Ord. No. 2010-33. 11/16/2010, Enacted as Reserved) SUPP 2010-4

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CHAPTER 14 – MOTOR VEHICLE AND TRAFFIC

Sec. 14-1. Definitions.

The definitions in A.R.S. tit. 28 [§28-101 et seq.] apply to this chapter.
Cross reference(s) -- Definitions and rules of construction generally, §1-2.
State law reference(s) -- Definitions generally, A.R.S. §§28-101, 28-602.

Sec. 14-2. Compliance.

It is unlawful to do any act forbidden or fail to perform any act required by this chapter.
(Code 1977, §6-2-2)

Sec. 14-3. Violations.

Except as otherwise stated in this chapter, violations of this chapter are a civil traffic violation. Civil traffic violations are subject to the provisions of A.R.S. tit. 28, ch. 6, arts. 20 and 21 [A.R.S. § 28-1051 et seq. and 28-1071 et seq.].
(Code 1977, art. 1-8)

Sec. 14-4. Liability for damage to street.

(a) Any person driving, operating or parking any vehicle, object or contrivance upon any street in the city is liable for all damage which the street may sustain as a result of any illegal operation, driving or moving of the vehicle, object or contrivance, or as a result of operating, driving or moving any vehicle, object or contrivance weighing in excess of the maximum weight established by this chapter.

(b) Vehicles involved in the pickup or delivery of goods or services are not exempt from the provisions of this section.

(c) When the driver is not the owner of the vehicle, object or contrivance, but is so operating, driving, parking or moving the same with the express or implied permission of the owner, then the owner and driver shall be jointly and severally liable for any damage.
(Code 1977, § 6-5-5)

Sec. 14-5. Obedience to policemen or firemen.

State law reference(s) -- Obedience to police, A.R.S. §28-622; authority to regulate traffic by means of police officers, A.R.S. § 28-627(A)(2).
(Code 1977, §6-2-2)
(Ord. 04-28, 6/1/04, Repealed) SUPP 2004-2

Sec. 14-6. Reserved.
(Code 1977, §6-2-3)
(Ord No. 95-29, 6/6/95, Repealed)

Sec. 14-7. Motor Vehicles; Traffic safety maintenance fund.

(a) There is established a traffic safety maintenance fund consisting of monies collected pursuant to Section 14-8 of the code. The Chief Financial Officer shall administer the fund.

(b) The amounts collected pursuant to this chapter shall be allocated to the city's general fund for the purposes of providing funding for law enforcement services which will enhance traffic safety, thereby resulting in a reduction of motor vehicle accidents in the city.
(Ord 92-35, 8/31/92, enacted)
(Ord. 04-28, 6/1/04, Amended) SUPP 2004-2

Sec. 14-8. Motor Vehicles; traffic safety maintenance fund; assessments, fund deposits.

(a) In addition to any other penalty assessment provided by law, there shall be levied a penalty assessment in the amount of Twenty Dollars ($20.00), on every fine, forfeiture and penalty imposed and collected by the municipal court for a civil sanction imposed and collected for a civil traffic violation and fine, penalty or forfeiture for a violation of the Arizona Motor Vehicle Code (Title 28) or for any violation of this Chapter. If multiple offenses are involved, the penalty assessment shall be based upon the total civil sanction, fine, bail or bond for all offenses. If a fine or civil sanction is suspended in whole or in part, the penalty assessment shall be reduced in proportion to the suspension.

(b) If any deposit or bail or bond or deposit for an alleged civil traffic violation is to be made for a violation, the court shall require a sufficient amount to include the assessment prescribed in this section for forfeited bail, bond or deposit. If bail or bond or deposit is forfeited, the amount of such assessment shall be deposited to this fund. If bail or bond or deposit is returned, the amount of assessment made pursuant to this article shall be returned.

(c) The court may waive all or any part of the penalty assessment the payment of which would work a financial hardship on the person convicted or adjudicated or their immediate family residing with the person convicted.

(d) Notwithstanding the provisions of this section, the penalty assessment provided for in this section shall not be imposed upon violations of A.R.S. §§28-871, 28-873 and 28-874; and violations of §§14-103 - 14-105, 14-106, and 14-107 of this code.
(Ord. 92-35, 8/31/92, enacted)
(Ord. 04-28, 6/1/04, Amended) SUPP 2004-2
Secs. 14-9. through 14-20. Reserved.

Sec. 14-21. Motor Vehicles; authority to direct traffic; violations; penalties.

(a) Peace officers, traffic investigators or unarmed police aides may direct all traffic by voice, hand or signal. Fire Department personnel when at the scene of a fire, may direct or assist peace officers, traffic investigators or unarmed police aides in directing traffic. For purposes of this section, scene of a fire is defined as those areas adjacent to a fire where traffic must be restricted in the judgment of the Fire Chief in order to permit an adequate response..

(b) A person shall not willfully fail or refuse to comply with any lawful order or direction of a peace officer, traffic investigator, unarmed police aide or Fire Department personnel when invested by law with authority to direct, control or regulate traffic.

(c) A person who violates this section is guilty of a class 2 misdemeanor.

State law reference(s) -- Obedience to police, A.R.S. §28-622; authority to regulate traffic by means of police officers, A.R.S. §28-627(A)(2).
(Code 1977, §6-2-1)
(Ord. No. 04-28, 6/1/04, Amended) SUPP 2004-2

Sec. 14-22. Ratification of existing traffic-control signs, signals, etc.

The location of all traffic-control signs, signals, devices and markings as of the adoption date of this Code is ratified and confirmed.

Sec. 14-23. Authority to install traffic control signs, signals devices, etc., one way streets and alleys.

(a) The Engineering Department may erect or install such traffic-control signs, signals, devices and markings at such locations as are necessary to properly regulate, guide or warn traffic and preserve the public safety.

(b) The city engineer may request the council to designate by ordinance any streets or alleys within the city which are to be limited to one-way traffic and to provide penalties for the violation of such designation.

(c) The public Works Director shall place such signs necessary to indicate one way traffic on any street or alley so designated as may be necessary for the proper and efficient movement of traffic in accordance with acceptable traffic standards.

(d) Unless otherwise provided by State Law or this code, violation of any sign placed pursuant to this section shall be punished as a Civil Traffic Violation.

(Ord. No. 91-34, 10/21/91)
(Ord No. 02-41, 6/4/2002, Amended) SUPP 2002-2

Sec. 14-24. Authority of chief of police to temporarily control traffic.

The chief of police may place temporary signs to control traffic flow during special events or emergency situations.
(Code 1977, § 6-2-5)

Sec. 14-25. General duties of police department.

It is the duty of the police department under the direction of the chief of police to provide for the enforcement of the street traffic regulations of the city and all of the state vehicle laws applicable to street traffic in the city, to make arrests for traffic violations, to investigate accidents and to assist in developing ways and means to improve traffic conditions and to carry out all duties specially imposed upon the police department by this chapter.
(Code 1977, § 6-1-1)

Sec. 14-26. Police Department; accidents and accident reports.

(a) A law enforcement officer or public employee who, in the regular course of duty, investigates a motor vehicle accident resulting in bodily injury, death or damage to the property of any person in excess of one thousand dollars or the issuance of a citation shall complete a written report of the accident as follows:

(1) Either at the time of and at the scene of the accident or after the accident by collecting information from participants or witnesses.

(2) Within twenty-four hours after completing the investigation.

(b) Every law enforcement officer or public employee who, in the regular course of duty, investigates a motor vehicle accident that results in damage to the property of any person in an amount of one thousand dollars or less, but that does not result in the issuance of a citation or bodily injury or death, shall complete a portion of the written report of the accident. The portion of the written report shall:

(1) Be completed either at the time of and at the scene of the accident or after the accident by collecting information from participants or witnesses.

(2) Be completed within twenty-four hours after completing the investigation.

(3) Include the following minimum information:

a. The time, day, month and year of the accident.

b. Information adequate to identify the location of the accident.

c. Identifying information for all involved parties and witnesses, including name, age, sex, address, telephone number, vehicle ownership and registration and proof of insurance.

d. A narrative description of the facts of the accident, a simple diagram of the scene of the accident and the investigating officer's name, agency and identification number.

(c) The agency employing the officer or public employee:

(1) Shall not allow a person to examine the accident report or any related investigation report or a reproduction of the accident report or a related investigation report if the request is for a commercial solicitation purpose.

(2) May require a person requesting the accident or related investigative report to state under penalty of perjury that the report is not examined or copied for a commercial solicitation purpose.

(3) May retain the original report.

(4) Shall maintain an electronic copy of the original report if the agency elects not to retain the original report pursuant to paragraph 3 of this subsection.

(5) Shall immediately forward a copy of the report to the department for its use.

(d) The department may place notes, date stamps, identifying numbers, marks or other information on the copies as needed, if they do not alter the original information reported by the investigating officer or public employee.

(e) For the purposes of this section, “commercial solicitation purpose” means a request for an accident report if there is neither:

(1) A relationship between the person or the principal of the person requesting the accident report and any party involved in the accident.

(2) A reason for the person to request the report other than for the purposes of soliciting a business or commercial relationship.

State law reference(s) -- Accidents and accident reports, A.R.S. § 28-661 et seq.
(Code 1977, §§6-1-3--6-1-5)\
(Ord. No. 04-28, 6/1/04, Amended) SUPP 2004-2

Sec. 14-27. Police Department; annual traffic safety report.

(a) The Police Department shall annually prepare a traffic report which shall be filed with the City Manager. Such report shall contain information on traffic matters in the city as follows:

(1) The number of traffic accidents, the number of fatalities, the number of persons injured and other pertinent traffic accident data.

(2) The number of traffic accidents investigated and other pertinent data on the safety activities of the police chief.

(3) The plans and recommendations of the Police Department for future traffic safety activities.

(b) Whenever the accidents at any particular location become numerous the chief of police shall refer the location and matter to the City Engineer who may conduct studies of such accidents and determine remedial measures.
(Code 1977, §6-1-6)
(Ord. No. 04-28, 6/1/04, Amended) SUPP 2004-2

Sec. 14-28. Registered owner of vehicle presumed responsible for certain violations.
(Ord. No. 90-02, 1/9/90)
(Ord. No. 91-12, 5/14/91)
(Ord. No. 04-28, 6/1/04, Repealed) SUPP 2004-2

Sec. 14-29. Violations.

Any person found guilty of violating any of the provisions of Section 14-28 of this Code shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed $1,000 or imprisonment for a term not to exceed six months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as described.
(Ord. No. 90-02, 1/9/90)

Secs. 14-30. through 14-49. Reserved.
(Ord. No. 90-02, 1/9/90)
(Ord. No. 98-14, 2/17/98)

Sec. 14-50. Speed; designated school zones, fines doubled.

(a) The following terms shall have the meanings set forth in this section.

Designated School Crossing means a school crossing established by the City of Peoria in the manner provided by A.R.S. §28-797.

Portable Signs means the portable signs required by A.R.S. §28-797.

(b) The speed limit between the Portable Signs indicating that "school is in session" and "stop when children in cross walk" shall be fifteen miles per hour, unless otherwise provided by state law.

(c) The caution sign indicating the existence of a Designated School Crossing that is posted by the city sign shall also contain a notation in upper case lettering "FINES DOUBLED IN SCHOOL ZONES"

(d) In any case where an individual is found responsible for a civil traffic violation under this section or for a violation of A.R.S. §28-797, the Municipal Court shall double the fine.
(Ord. No. 98-14, 2/17/98, Enacted)
(Ord. No. 04-28, 6/1/04, Amended) SUPP 2004-2

Sec. 14-51. Speed in alleys.

It is unlawful to operate a motor vehicle through an alley at a speed greater than fifteen (15) miles per hour.

State law reference(s) -- Speed generally, A.R.S. §28-701 et seq.; authority to alter speed limits, A.R.S. §§28-627(A)(10), 28-703.
(Code 1977, §6-2-14)

Sec. 14-52. Traffic; Limitations on turning around.

A person shall not turn a vehicle to proceed in the opposite direction on a curve or on the approach to or near the crest of a grade if the vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet or to turn a vehicle unless such movement can be made in safety and without interfering with other traffic.

State law reference(s) -- Turning movements, A.R.S. §28-751 et seq.; authority to regulate turning movements, A.R.S. § 28-626(A)(9).
(Code 1977, § 6-2-8)
(Ord. No. 04-28, 6/1/04, Amended) SUPP 2004-2

Sec. 14-53. Unnecessary vehicle noise; vehicles damaging right-of-way; engine braking; penalties; exceptions.

(a) No person shall intentionally operate any vehicle:

(1) At such a speed on a curve or turn as to create loud and unnecessary noise through the squealing of tires upon the public right-of-way; or

(2) So to accelerate or decelerate in such a manner as to create loud and unnecessary noise through the squealing of tires upon the public right-of-way; or

(3) So as to cause damage to the public right-of-way.

(b) A person commits the offense of engine braking if the person is operating a motor vehicle on any public street, roadway or highway in this City and uses an unmuffled engine brake.

(1) Reckless and Negligent violations of this subsection (b) shall constitute a violation and no proof of intent or knowledge of such violation is required.

(2) A person is not in violation of this section if the person uses an unmuffled engine brake in an emergency situation to avoid imminent danger to a person or to property.

(3) Violation of subsection (b) of this section shall be a class three misdemeanor. The Court shall impose a mandatory minimum fine of Five Hundred ($500.00) Dollars, inclusive of surcharges.

(c) It shall be unlawful for any individual to operate a motor vehicle on any public street, roadway or highway in this city having removed a noise control system or having a noise control system rendered inoperative or without a noise control system that is required by the United States Environmental Protection Agency or any other United States agency having jurisdiction.

(1) Violation of subsection (c) of this section shall be a class three misdemeanor. The Court shall impose a mandatory minimum fine of Five Hundred ($500.00) Dollars, inclusive of surcharges and shall place any individual person convicted of a violation on probation for a period not to exceed six months or until such vehicle has been brought into compliance with requirements imposed by any agency of the United States having jurisdiction.

(Code 1977, §6-2-13)
(Ord. No. 00-121, 9/5/2000, Enacted (b) and (c)) SUPP 2000-3

Sec. 14-54. Excessive Noise; sound amplification systems in vehicles; limitation on use.

(a) It is unlawful, with the intent to or with reckless disregard disturb the peace and

quiet of a neighborhood, family or person, or with knowledge of doing so, to play, operate, or use any sound track, loudspeaker or sound amplifier, radio or phonograph with loudspeaker or sound amplifier or any instrument of any kind or character that emits loud and raucous noises and is attached to any vehicle in violation of this section.

(b) Except as authorized by law, no person shall operate or permit the operation of any sound amplification system in or on a vehicle which:

(1) Can be heard outside the vehicle from fifty (50) or more feet; or

(2) Annoys or disturbs the quiet, comfort or repose of any person in the vicinity; unless the system is being operated to request assistance of an emergency nature or to warn of a hazardous situation.

(c) In addition to other specific exemptions authorized by this chapter, subsection (b) of this section shall not apply to:

(1) An authorized emergency vehicle;

(2) A vehicle operated by a public service corporation, cable or telecommunications corporation or the United States, this state and any political subdivision of this state; or

(3) A vehicle used for advertising in a parade or in a political or other special event permitted by the city.

(d) For the purpose of this section, "sound amplification system" means any device, instrument or system, whether electrical or mechanical or otherwise, for amplifying sound or for producing or reproducing sound, including but not limited to any radio, stereo, musical instrument, phonograph, or sound or musical recorder or player.

(e) Violation of this Section shall be a civil traffic violation, punishable by a minimum fine of not less than Two Hundred and Fifty ($250.00) Dollars.
(Ord. No. 00-123, 9/5/2000, Enacted) SUPP 2000-3
(Ord. No. 04-177, 6/15/2004, Amended) SUPP 2004-4

Secs. 14-55. through 14-65. Reserved.

Sec. 14-66. Scope and jurisdiction; definition.[1]

This chapter shall apply solely to:

(a) Users of streets within the city boundaries and under the jurisdiction of the City of Peoria, and

(b) Truck shall mean any of the following:

1. A semi trailer when used in combination with a truck tractor.

2. A motor vehicle or vehicle combination designed, used or maintained primarily for the transportation of property with a gross vehicle weight rating or gross combination weight rating of 18,001 pounds or more.

3. Transports a hazardous material in an amount requiring marking or placarding as prescribed in Arizona Administrative Code R-17-5-209

4. Trucks shall not include buses and recreational vehicles used primarily for the transportation of passengers.

State law reference(s) -- Weighing of vehicles, A.R.S. §§ 28-1010, 28-1014.
(Code 1977, §6-5-2)
(Ord. No. 91-34, 10/21/91, Amended)
(Ord. No. 08-21, 07/01/08, Amended) SUPP 2008-03

Sec. 14-67. Major streets, local streets; definition.

(a) Whenever any words or phrases used in this chapter are not defined, but are defined in Title 28, Arizona Revised Statutes, as amended, such definitions shall apply. The following terms are defined:

(1) *Local Streets* - All those streets designated as local streets on the street classification map, on file in the Engineering Department. Local streets provide for access to those properties that are adjacent to the collector street network and serve travel needs over relatively short distances and connections to higher classification streets. Such streets are not designated on the circulation element of the City's general plan.

[1]**State law reference(s)** -- Vehicle size, weight and load, A.R.S. § 28-1001 et seq.; authority to restrict loads, etc., A.R.S. § 28-1012.

(2) *Collector Streets* - all those streets designated as collector streets on the street classification map, on file in the Engineering Department. Collector streets provide for both land access, service and traffic circulation within residential neighborhoods and commercial and industrial areas and collect traffic from residential neighborhoods and channel it into the arterial street system. Such streets are not designated on the circulation element of the City's general plan.

(3) *Arterial Streets* - All those streets designated as arterial streets on the street classification map, on file in the Engineering Department. Arterial streets provide for traffic movement from one area of the city to another, and are primarily designed to accommodate through traffic; provision of access to abutting property is a secondary consideration. Arterial Streets are designated on the circulation element of the City's general plan.

(4) *Principal Arterial Roadway* – Those streets, including but not limited to Lake Pleasant Parkway, designated on the City's circulation element as a Principal Arterial Roadway, or which may be shown on the City's street classification map as a parkway and proposed to have a right of way not less than that for an arterial street and that shall have controlled points of access. These streets are designated on the circulation element of the City's general plan. Such streets shall be designated as Truck Routes for the purpose of regulating truck traffic under this code.

(5) *National Highway Network* - Those portions of the following State Routes or State Highways located in the City of Peoria:

a. US Highway 60 – Phoenix – Wickenburg Highway, also known as Grand Avenue.
b. Arizona 74 – Phoenix – Morristown Highway.
c. State Route 101L – Agua Fria Freeway.
d. State Route 303L – Estrella Freeway.

(b). The following roadways within the city limits of the City of Peoria, Arizona shall be designated as Truck Routes for the purpose of this chapter.

(1) Northern Avenue from the West boundary of the City at approximately 115th Avenue, east to 71st Avenue on the east boundary of the City.

(2) Olive Avenue from the West boundary of the City of Peoria at approximately 115th Avenue, east to 67th Avenue on the east boundary of the City.

(3) That portion of Peoria Avenue commencing at the interchange with State Route 101 L, east to 83rd Avenue.

(4) That portion of Cactus Road commencing at 91st Avenue east to 67th Avenue on the east boundary of the City.

(5) That portion of Thunderbird Road commencing at the west boundary of the City east to 67th Avenue.

(6) Bell Road from the West boundary of the City of Peoria at approximately 93rd Avenue east to 83rd Avenue on the east boundary of the City.

(7) Union Hills Road from the intersection of 83rd Avenue to the East Boundary of the City.

(8) That portion of Beardsley Road commencing at Lake Pleasant Road west to the Peoria City Limit boundary.

(9) That portion of Rose Garden Lane from 112th Avenue West to the Peoria City Limit boundary.

(10) That portion of Happy Valley Parkway which is currently designated as Interim S.R. 303L from the intersection with S.R. 303L to Lake Pleasant Parkway. That portion of Happy Valley Road from Lake Pleasant Parkway to 91st Avenue.

(11) That portion of Jomax Road West of Lake Pleasant Parkway to the Peoria City Limit boundary

(12) That portion of 112th Avenue from Rose Garden Lane to Beardsley Road.

(13) That portion of 107th Avenue north from Pinnacle Peak Road to Jomax. Road, which is also known as Tierra Del Rio, Boulevard.

(14) That portion of Lake Pleasant Road commencing at Beardsley Road north to the intersection with Lake Pleasant Parkway.

(15) That portion of 91st Avenue commencing at the southern boundary of the City of Peoria north to its interchange with State Route 101L (Agua-Fria Freeway).

(16) That portion of 83rd Avenue commencing at the southern boundary of the City of Peoria, north to Cotton Crossing and following Cotton Crossing North to Peoria Avenue. That portion of 83rd Avenue North from Peoria Avenue to Bell Road. That portion of 83rd Avenue North from Union Hills Drive to its intersection with Lake Pleasant Parkway.

(17) That portion of New River Road commencing at State Route 74 and proceeding north to the Peoria City Limits Boundary.

(c) Truck routes and through truck routes are established for designated arterial streets and all Principal Arterial roadways. Truck Routes include all highways in National Highway Network within in the City of Peoria.

State law reference(s) -- Similar provisions, A.R.S.§ 28-1010.

(Code 1977, § 6-5-3)
(Ord. No. 91-34, 10/21/91, Amended)
(Ord. No. 92-10, 3/17/94, Amended)
(Ord. No. 95-19, 4/4/95, Amended (a))
(Ord. No. 96-06, 1/16/96, Amended (a), (b))
(Ord. No. 00-06, 1/18/00, Amended (a) and (b)) SUPP 2000-1
(Ord. No. 04-14, 3/2/04, Amended) SUPP 2004-1
(Ord. No. 05-70, 11/15/05, Amended) SUPP 2005-4
(Ord. No. 07-42, 12/18/07, Amended (a)) SUPP 2007-4
(Ord. No. 08-21, 07/01/08) Amended (a), (b) and (c)) SUPP 2008-03

Sec. 14-68. Permissible routes, unlawful acts.

(a) Trucks must operate only on truck routes, through truck routes except as provided by this code.

(b) It shall be unlawful to:

(1) Operate any truck on any street in the City of Peoria in violation of the provisions of this code.

(2) To instruct any person, employee or agent to operate a truck on any street in the City of Peoria in violation of the provisions of this code.

(c) It shall be presumed that any truck indicating ownership by a commercial enterprise is being operated with the consent of the registered owner as set forth on the motor vehicle registration.

(d) Any person violating the provisions of this article section shall be guilty of a class one misdemeanor. The Court shall impose a minimum sanction, not including surcharges of not less than three hundred and fifty ($350.00) dollars. The sanction shall not be waived or reduced. Notwithstanding the above, for a first violation of this section within a one year period, the City Attorney may amend any citation or complaint filed in a matter under this section to a civil traffic violation

(Ord. No. 91-34, 10/21/91, Enacted)
(Ord. No. 91-34, 10/21/91, Enacted)
(Ord. No. 05-70, 11/15/05, Amended) SUPP 2005-04
(Ord. No. 08-21, 07/01/08, Amended ((a) and (d)) SUPP 2008-03
(Ord. No. 2010-29, 10/19/2010, Amended) SUPP 2010-04

Sec. 14-69. Truck traffic, exceptions to route restrictions.

Trucks may operate off of truck routes only for the delivery and pickup of merchandise, materials, or equipment going to or from a specific location on minor arterial, local, or collector streets. Trucks must use the shortest route on minor arterial, collector or local streets to and from the major arterial streets, unless a specific route has been designated by the City Engineer.
(Code 1977, § 6-5-7)
(Ord. No. 91-34, 10/21/91, Amended)
(Ord. No. 05-70, 11/15/05, Amended) SUPP 2005-04
(Ord. No. 08-21, 07/01/08, Amended) SUPP 2008-03

Sec. 14-70. Liability for damages and violations; registered owner responsibility.

(a) Any person driving, operating or parking any truck upon any street under the jurisdiction of the City of Peoria shall be liable for actual amount of damage, together with the civil penalty provided under Section 14-74 of this code, to any street, light or sign of the City of Peoria as a result of any unlawful operation, driving, moving or parking of the truck, or as a result of operating, driving, moving or parking any truck weighing or measuring in excess of the maximum weight or as a result of operating any truck containing safety violations for which a citation could be issued.

(b) When the driver is not the owner of the truck, but is operating, driving, moving or parking the truck with the express or implied permission of the owner, then the owner and the driver shall be jointly and severally liable for any damage and civil penalties. Notwithstanding the foregoing, the court shall have the jurisdiction to apportion the damage and civil penalties between the operator of the truck and the owner.

(c) The registered owner of a Truck pursuant to Title 28, Arizona Revised Statutes shall have a duty to ensure that any truck registered to them is not driven on a public roadway within the City of Peoria in excess of the maximum weight restrictions under this Chapter or Title 28, Arizona Revised Statutes or in violation of the truck route restrictions of this Chapter or containing any safety violations prohibited by this Chapter or Title 28, Arizona Revised Statute or any state or federal statute or regulation. It shall be presumed that any truck operated upon the public roadways in excess of the maximum weight permitted by this Chapter or containing any safety violations prohibited by this Chapter or Title 28, Arizona Revised Statutes or any state or federal statute or regulation is done with the consent and on behalf of the registered owner.

(1) The burden of proof shall be upon the registered owner to introduce evidence to rebut the presumption provided for under this Section.

(d) Damages, under this section, shall be ordered as restitution to the City of Peoria by the magistrate court upon any conviction for violation of this code. The city magistrate shall not waive or reduce the amount of restitution provided for by this section.

(e) The city attorney may bring a civil action on behalf of the city against either the driver and/or the registered owner of the truck to recover such damages and civil penalties in full. Any party such subject to a judgment for such damages and civil penalties may file an action for contribution from other parties that they determine to be at fault.

State law reference(s) -- Adoption by reference, A.R.S.§ 9-801 et seq.
(Code 1977, § 6-5-6)
(Ord. No. 91-34, 10/21/91, Amended)
(Ord. No. 05-70, 11/15/05, Amended) SUPP 2005-04
(Ord. No. 08-21, 07/01/08, Amended ((a) and (c)) SUPP 2008-03

Sec. 14-71. Definition; gross weight of trucks and load.

(a) Unless the term is otherwise defined in this chapter, the use of the term “Truck” in this chapter shall mean a self-propelled, motor driven vehicle or vehicle combination, used on a public roadway in this City in the furtherance a commercial enterprise, that has a gross vehicle weight rating as a single vehicle or gross combination weight rating (GCWR), or a gross weight or gross combination 18,001 or more pounds or transports a hazardous material in an amount requiring marking or placarding as prescribed in Arizona Administrative Code R-17-5-209

(b) The axle loads and the gross weight and loads of any truck or truck and load driven upon city streets shall not exceed the loads and weights set forth in Arizona Revised Statutes Sections 28-1099, 28-1100, the provisions of which are adopted by reference as though fully contained in this code.

(c) The prohibitions of this section shall not apply to trucks operating pursuant to a permit for the movement of over-dimensional vehicles as provided in this code.
(Code 1977, § 6-5-4)
(Ord. No. 91-34, 10/21/91, Amended)
(Ord. No. 05-70, 11/15/05, Amended) SUPP 2005-04

Sec. 14-72. Permits for the movement of Over Dimensional Loads

(a) The Chief of Police or his designee, upon written application and with good cause being

shown, may issue an oversized or overweight permit, authorizing the applicant to operate or move a vehicle, or combination of vehicles, of a size, weight, or load exceeding the maximum specified in this Chapter, or otherwise not in conformity with the provisions of Title 28, Chapter 6, Article 18, of

the Arizona Revised Statutes, relating to size, weight, and load regulation upon any street under the jurisdiction of the City.

(b) The permit provided for in this section shall be one adopted by the Chief of Police or his designee, and shall be issued pursuant to and in conformity with the provisions of Title 28, Chapter 6, Article 18, of the Arizona Revised Statutes.

(c) The Chief of Police or his designee may establish seasonal or other time limitations on such permits within which the vehicles described may be operated on the highways indicated, or otherwise limit and prescribe conditions of operation of the vehicles when necessary, to ensure against undue damage on the road infrastructure and/or surfaces, and may require other security as he deems necessary to compensate for any damage to a roadway or road structure. The person for whom a permit is issued is liable for any damage caused by his/her actions, and for the actions of parties carrying out the work covered under the permit.

(d) A permit issued pursuant to this section shall be carried in the vehicle, or combination of vehicles, to which it refers, and shall be open for inspection by any peace officer or agent of the City. Any Envelope Permit (Envelope Permits are issued by the State of Arizona) shall be carried in the vehicle, or vehicle combination, and shall be open for inspection by any peace officer or agent of the City.

(e) A fee shall be assessed for each permit issued as provided for in section 2-222.B of this Code.

(f) A thirty day permit may be issued for the movement of over dimensional and/or overweight loads as long as any load to be carried within the thirty day period does not exceed the specifications listed on the permit. A fee shall be assessed in the amount provided in section 2-222.B of this City Code for each thirty day period. A single trip permit may be issued under the same premise as is a thirty day permit, but is valid for only three days from the date of issuance. A fee for this permit shall also be assessed in accordance with section 2-222.B of this City Code.

(g) Applications for permits described in this section must be submitted to the police department not less than five working days prior to the time that work, described on the permit, is to commence.

(h) At the discretion of the Chief of Police or his designee, a permit holder may be required to have escorts and/or certified peace officers to accompany loads. Non-police escorts shall be trained in traffic direction and control by the permit holder and shall utilize vehicle

markings that are visible from a minimum of 200 feet in daylight. The Chief of Police or his designee may establish permitted times during the day for such loads. Such restrictions shall be stated on the permit.

(i) Loads with widths wider than 25 feet and/or with heights greater than 15 feet will require the review of the City Engineer and the Public Works Director, or designees, before a permit can be issued.

(j) The Chief of Police, Public Works Director, or their designee may suspend permits for reasons of public safety concerns and/or negligence.
(Ord. No. 92-12, 5/14/91)
(Ord. No. 91-34, 10/21/91, Amended)
(Ord. No. 97-93, 9/2/97, Amended)
(Ord No. 02-41, 6/4/2002, Amended) SUPP 2002-2
(Ord. No. 05-70, 11/15/05, Amended) SUPP 2005-04

Sec. 14-73. Trucks; violations; penalties.

(a) In addition to any other penalties provided for the violation of any of this division, any person convicted of violating the provisions of this division shall be punished by a fine as set forth in the following table:

SEE TABLE 14-73. as amended.

(b) For any violation of Title 28, Arizona Revised Statutes, Sections 28-5231 through 28-5244 and any regulation issued pursuant to these sections, upon a finding of responsibility or a conviction, the Court shall impose a minimum sanction of not less than three hundred and fifty dollars per citation. Such sanctions shall not be waived or suspended.
(Code 1977, § 6-5-8)
(Ord. No. 90-12, 4/10/90)
(Ord. No. 91-34, 10/21/91, Renumbered)
(Ord. No. 05-70, 11/15/05, Amended) SUPP 2005-04
(Ord. No. 08-21, 07/01/08, Renamed and Amended (b)) SUPP 2008-03

Sec. 14-74. Weighing of vehicles and loads; violation; classification; civil penalty.

(a) A police or peace officer having reason to believe that the weight of a vehicle and load does not conform to this chapter or Title 28, Arizona Revised Statutes may require the driver to:

(1) Stop and submit to a weighing of the vehicle and load by means of either portable or stationary scales.

(2) Drive the vehicle to the nearest public scales, if the scales are within two miles.

(b) If on weighing a vehicle and load pursuant to subsection (a) of this section an officer determines that the weight does not conform to this chapter, the officer may require the driver to stop the vehicle in a suitable place and remain standing until the portion of the load is removed as necessary to reduce the gross weight of the vehicle to the limit permitted under this chapter or Title 28, Arizona Revised Statutes. The owner or operator shall care for the material unloaded at the risk of the owner or operator.

(c) A driver of a vehicle is guilty of a class 2 misdemeanor who either:

(1) Knowingly fails or refuses to stop and submit the vehicle and load to a weighing.

(2) Knowingly fails or refuses when directed by an officer on a weighing of the vehicle to stop the vehicle and otherwise comply with subsections (a) and (b) of this section.

The Court shall impose a minimum fine of not less than three hundred and fifty ($350.00) dollars, not inclusive of any surcharge and any civil penalty for excess weight. A second or subsequent offense within a five year period from the date of the first violation shall be a class one misdemeanor; the Court shall impose a minimum fine of not less than five hundred ($500.00) dollars, not inclusive of any surcharge and any civil penalty for excess weight.

(d) A peace officer may require the weighing of a commercial vehicle by means of portable scales at any time. Failure to submit to weighing as required by this subsection is punishable by a civil penalty. The Court shall not waive, reduce or fail to impose the Civil Penalty.

(e) The City may use photo traffic weight monitoring systems to enforce weigh limits required by this Code or Title 28, Arizona Revised Statutes.

If the excess weight is:	The minimum civil penalty is:
0 to 1,000 pounds	$50.00
1,001 to 1,250 pounds	$100.00
1,251 to 1,500	$200.00
1,501 to 2,000	$300.00
2,001 to 2,500	$400.00
2,501 to 3,000	$500.00

3,001 to 3,500	$840.00
3,501 to 4,000	$980.00
4,001 to 4,500	$1,120.00
4,501 to 4,750	$1,260.00
4,751 to 5,000	$1,400.00

5,001 and over 1400.00 plus an additional $100.00 for each 1000 pounds of excess weight.

(f) If a person is arrested for violating this chapter or sections 28-1099 or 28-1100, Arizona Revised Statutes, the arresting officer may take the person immediately before the municipal court or any magistrate who is within the county who has jurisdiction of the offense.

(g) The officer or court collecting or receiving a civil penalty, fee, fine or forfeiture for a violation of this Chapter or section 28-1099 or 28-1100 Arizona Revised Statutes shall deposit, pursuant to sections 35-146 and 35-147, the amount in the Arizona highway user revenue fund if for a violation occurring on a highway under the jurisdiction of the state of Arizona or in the City's general fund if for a violation of this Chapter on a roadway under the jurisdiction of the City. If a civil penalty, fee or fine is collected, ten dollars of the civil penalty, fee or fine is deductible as reimbursement of costs from the amount collected.

(h) A weight certificate or any other document that evidences the receipt of goods for shipment, that is issued by a person engaged in the business of transporting or forwarding goods and that states the gross weight of the vehicle with load that is in excess of the prescribed maximum weight limitation permitted by section 28-1099 or 28-1100 is prima facie evidence that the weight of a vehicle and load is unlawful.

(i) If the commodity being carried is sold by weight, a weight certificate or any other document that evidences the receipt of goods for shipment, that is issued by a person engaged in the business of transporting or forwarding goods and that states the gross weight of the vehicle with load that is not in excess of the prescribed maximum weight limitation permitted by section 28-1100 is prima facie evidence that the gross weight of a vehicle and load is lawful. The presumption that the weight of the vehicle and load is lawful may be rebutted by the weight of the vehicle and load as shown by means of the department's stationary scale or a public weighmaster scale.
(Ord. No. 91-34, 10/21/91, Enacted)
(Ord. No. 05-70, 11/15/05, Amended) SUPP 2005-04
(Ord. No. 08-21, 07/01/08, Amended ((b), (c), (d), renumbered (f), (g), (h), (i)) SUPP 2008-03

Sec. 14-75. Exemption.

Users of highways within the city limits of the City of Peoria which are within the state

highway system and under the jurisdiction of the State of Arizona shall comply with the requirements of state law and upon such compliance are exempt from this chapter. This chapter shall not apply to fire apparatus, urban mass transit transportation vehicles or to instruments of husbandry, including farm tractors temporarily moved upon a street.
(Ord. No. 91-34, 10/21/91, Enacted)

Sec. 14-76. Trucks; noise, truck routes; designations; restrictions on operation during designated hours; violations.

(a) The City Council finds that:

(1) There are arterial and collector roadways in the City of Peoria, as defined in the Peoria General Plan and Transportation Plan and that have been designated under this code as Truck Routes that traverse through residential areas to intense industrial and commercial zones (hereinafter, designated roadways).

(2) That traffic on these Designated Roadways late at night and early morning results in excessive noise, excessive vibration and dust that degrades the environment of the City to a degree that:

a. Is harmful and detrimental to the health, welfare and safety of the City's inhabitants;

b. Interferes with the comfortable enjoyment of life, property and recreation and with the conduct of business and industry.

c. Creates nuisances;

d. Creates incompatibility between residential uses and commercial uses;

(3) No one has the right to create excessive noise or excessive vibration.

(4) Effective control and elimination of excessive noise and excessive vibration is essential to the furtherance of the health and welfare of the of the city's inhabitants and to the conduct of the normal pursuits of life, recreation, commerce and industrial activity.

(b) It is the intent and purpose of this section to prevent excessive noise and excessive vibration and to limit, control and eliminate excessive noise and excessive vibration in general from whatever source, while minimizing any burdens on interstate or intrastate commerce in accordance with the United States Constitution and the Constitution of Arizona. Nothing in this section shall be interpreted to restrict the movement of interstate commerce under the United States Constitution and in the event any court of competent jurisdiction finds that a provision of

this section constitutes a restriction upon interstate commerce under the United States Constitution, such provision shall be severed from the remainder of the section.

(c) Definitions: As used in this section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

(1) City means City of Peoria, Arizona.

(2) Designated Roadway means a public street of the City that has been designated in accordance with this section for restrictions on the operations of trucks during certain specified hours.

(3) Excessive Noise: any noise prohibited by Subsection (d) of this section.

(4) Person: any individual, natural person, syndicate, association, partnership, firm, corporation, institution, or other entity recognized by law as a subject of rights and duties.

(5) Truck: shall have the definition set forth in Sec. 14-66 of the Peoria City Code (1992).

(6) Vibration: an oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity or acceleration with respect to a given reference point.

(7) Excessive Vibrations: the presence of a vibration or vibrations of such intensity, duration, frequency or character which annoy, disturb, or cause or tend to cause adverse psychological or physiological effects on persons, or damage or tend to damage personal or real property.

(d) Excessive Noise. It shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary, and unusual noise by operating a truck on a roadway designated in accordance with this Section for Restricted Truck Hours Operation, that disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.

(e) Excessive Vibration. No person shall discharge, or allow the escape of sounds or vibrations of a nature which are prohibited by or are in excess of that permitted by this section, or which result in or cause noise or excessive vibration on a Roadway designated in accordance with this section for Restricted Truck Hours Operation.

(f) Strict Liability. It shall be unlawful for any person to cause to operate or operate any truck on a roadway designated in accordance with this section for Restricted Truck Hours

Operation during the hours of 9:00 p.m. and 5:00 a.m.

(g) Other Remedies. Nothing in this ordinance shall be construed as limiting the rights of any person to redress in a court of law for any injury to person or damage to property caused by noise or excessive vibration.

(h) Powers and Duties of the Engineering Department. The Engineering Department shall have the following powers and duties:

(1) The Department shall be responsible for the administration and enforcement of this ordinance in cooperation with the Police Department.

(2) After posting notices every 300 feet along the roadway at least 11 x 17 in size providing not less than fifteen (15) days notice of the intent to designate any designated truck route for restrictive truck hours regardless of its designation as a arterial or collector roadway. Truck operation shall be prohibited from 9:00 p.m. to 5:00 a.m.

(3) No roadway designated as a state route or state highway shall be subject to the designation process.

(4) No public street of the City having bridged crossings over both the New River and the Agua Fria River shall be subject to the designation Process.

(5) No roadway shall be designated if the designation would preclude Truck Access in all four directions at a section line intersection.

(i) The standard that shall be used by the Director of Engineering in designating a roadway for restrictive truck hours that may be considered in determining whether a violation of the provisions of this section exists may include, but not be limited to, the following:

(1) The level of the noise in accordance with recognized engineering standards adopted by the Director of Engineering and whether such standards are exceeded;

(2) Whether the nature of the noise is usual or unusual;

(3) Whether the origin of the noise is natural or unnatural;

(4) The level and intensity of the background noise, if any;

(5) The proximity of the noise to residential sleeping facilities;

(6) The nature and zoning of the area within which the noise emanates and whether the area is predominantly residential in character;

(7) The density of the inhabitation of the area within which the noise emanates;

(8) The time of the day and night the noise occurs;

(9) The duration of the noise; and whether the noise is recurrent, intermittent, or constant.

If the Director of Engineering determines that four or more of these factors are impacted, he shall have the jurisdiction to designate the roadway in accordance with this section.

(j) Any owner of real property fronting a roadway proposed to be designated for restrictive truck hours may file an appeal of the proposed designation within fifteen (15) from the date of the posted notice. The Appeal shall be filed with the Director of Engineering and shall be heard by the City exactions hearing officer appointed for such purposes pursuant to A.R.S. §9-500.16. The hearing officer shall decide the manner within 20 days of the appeal. The standard of review shall be whether Engineering Director had a reasonable basis to determine that four or more of the factors in subsection (h) were impacted. If the standard is deemed met, the designation shall be upheld.

(k) Violations of this section by operation of a truck on a designated roadway in violation of restrictive truck hours shall be a civil traffic violation. The Court or hearing officer shall impose a mandatory fine of Two Hundred and Fifty Dollars ($250.00) for each cited violation of this section, or any other section of this code or any provision of Title 28, Arizona Revised Statutes, that is determined responsible, together with applicable surcharges. The Court shall not reduce the amount of the mandatory fine, but may provide for time payment.
(Ord. No. 99-08, 2/16/99, Enacted) (SUPP 1999-1)

State Law Reference, A.R.S. §28-1092. Reasonable Access; definitions.
(Ord No. 02-41, 6/4/2002, Amended) SUPP 2002-2
(Ord. No. 05-70, 11/15/05, Amended) SUPP 2005-04

Sec. 14-77. Neighborhood Traffic Management Program; definitions.

(a) Neighborhood shall mean any residential area in the City that is zoned R1-6, R1-8, R1-10, R1-12, R1-18, R1-35, RM-1, RMH-1, RMH-2 or PAD with residential standards.

(b) Residential Traffic Control Area shall mean an area of not less than 160-acres, unless the City Engineer or their designee determines that a lesser area is appropriate, that has been designated by resolution of the City Council for neighborhood traffic management

measures.

(c) Residential street shall mean any publicly accepted and maintained roadway that is designated a local or collector street within a residential area. Residential street shall not include minor arterial, major arterial and parkways.

(d) The Neighborhood Traffic Management Program shall be governed by a Policy adopted by the City that includes rules and guidelines for the program. Additionally, such Policy shall be updated when, in the opinion of the City Engineer or their designee, the conditions of the current Policy have changed so as to necessitate such update. The Policy shall be available at the City Clerk's office and the City Engineering Department during normal business hours.
(Ord. No. 00-118, 9/5/2000, Enacted) SUPP 2000-3
(Ord. No. 02-21, 04/02/2002, Amended)
(Ord No. 02-41, 6/4/2002, Amended) SUPP 2002-2
(Ord. No. 03-173, 9/16/2003, Amended) SUPP 2003-3

Sec. 14-78. Residential Traffic Control Areas; designation.

(a) Upon recommendation of the City Engineer or their designee, the City Council may designate by resolution residential traffic control areas.

(b) The following factors shall be considered in designating a residential area a residential traffic control area

(1) The volume of motor vehicle traffic in the area;

(2) The extent to which motor vehicle traffic is transiting the area for other than local use or to avoid congested intersections within or in any area adjacent to the residential area for which designation is requested;

(3) The extent to which designations of the residential traffic control area will help alleviate traffic congestion, hazards to pedestrians, and related health and safety dangers.

(c) Upon a finding of all of the above factors, the City Council by resolution may designate the area as a residential traffic control area.

(d) Upon designation of a residential area as a residential traffic control area, the City Engineer or their designee may install traffic management measures, structures and improvements to regulate and restrict the flow of traffic into, through and out of the area so as to reduce volume, reduce non-local use, reduce speeding or promote health and safety in the area. The City Engineer or their designee will

determine the appropriate traffic management measures in the residential traffic control area.

(e) Failure to obey a traffic management measure erected in accordance with sections 14-77 through 14-78 of this code, is a civil traffic violation subject to a civil sanction of $75.00. Notwithstanding any provision of Sections 14-77 through 14-78, if an offense in violation of these sections constitutes a violation of Title 28, Arizona Revised Statutes, the person may be cited under Title 28, Arizona Revised Statutes. No person shall be cited under both Sections 14-77 through 14-78 and Title 28, Arizona Revised Statutes for the same violation.

(Ord No. 00-118, 9/5/2000, Enacted) SUPP 2000-3
(Ord. No. 02-21, 04/02/2002, Enacted)
(Ord No. 02-41, 6/4/2002, Amended) SUPP 2002-2
(Ord. No. 03-173, 9/16/2003, Amended) SUPP 2003-3

Sec. 14-79. Reserved.
(Ord. No. 90-54, 11/13/90)
(Ord. No. 91-12, 5/14/91)
(Ord. No. 91-34, 10/21/91)
(Ord. No. 99-08, 2/16/99) (SUPP. 901)
(Ord. No. 00-118, 9/5/00) SUPP 2000-3

Sec. 14-80. Local Speed Limits.

(a) It is hereby determined upon the basis of an engineering and traffic investigations by the Engineering Director that the speed limit permitted by state law on the following streets and/or intersections is greater than, or less than, the speed which is reasonable and prudent under existing conditions, and it is declared that the maximum speed limit on the streets set forth in sub-sections 1, 2, 3, 4, 5, 6, 7 and 8 shall be set forth in this ordinance.

(1) The following streets shall have a prima facie speed limit at twenty-five (25) miles per hour at all times:

Arrowhead Fountain Center Drive	Mariners Way to Bell Road
Avenida Del Sol	81st Avenue to 83rd Avenue
Butler Drive	83rd Avenue to 91st Avenue
Cheryl Drive	67th Avenue to 79th Avenue
Country Club Parkway	Grovers Avenue to Union Hills Dr.
Fletcher Way	Lake Pleasant Parkway to Pontiac Dr.
Golden Lane	75th Avenue to 79th Avenue
Grovers Avenue	89th Avenue to Country Club Parkway
Irma Lane	101st Avenue to Lake Pleasant Road
Mariners Way	83rd Avenue to Arrowhead Fountain Center Dr.
Monroe Street	91st Avenue to Grand Avenue
Mountain View Road	83rd Avenue to 91st Avenue
Paradise Lane	83rd Avenue to Private Street
Peoria Avenue	81st Avenue to 85th Avenue
Plaza Del Rio Boulevard	94th Drive to Thunderbird Road
Stadium Way	83rd Avenue to Arrowhead Fountain Center Dr.
Sunnyside Drive	67th Avenue to 76th Lane
Tierra Buena Lane	75th Avenue to 79th Avenue
Varney Road	83rd Avenue to 87th Avenue
Washington Street	83rd Avenue to 85th Avenue
69th Avenue	Olive Avenue to Peoria Avenue
69th Avenue	Cholla Street to Cactus Road
73rd Avenue	Desert Cove Road to Sweetwater Avenue
77th Avenue	Mountain View Road to Cholla Street
79th Avenue	Seldon Lane to Olive Avenue
81st Avenue	Olive Avenue to Mountain View Road
81st Avenue	Peoria Avenue to Sweetwater Avenue
81st Avenue	Pinnacle Peak Road to Hatfield Road
83rd Avenue	Monroe Street to Edwards Street
84th Avenue	Bell Road to Country Club Parkway
85th Avenue	Cactus Road to Rue de Lamour

85th Avenue	Las Palmaraitas to Olive Avenue
87th Avenue	Sweetwater Avenue to Joan De Arc Avenue
87th Avenue	Betty Elyse Lane to Tumblewood Drive
88th Drive	Kelton Lane to Bell Road
89th Avenue	Northern Avenue to Peoria Avenue
89th Avenue	Bell Road to Union Hills Drive
94th Drive	Plaza Del Rio Boulevard to Thunderbird Road
95th Avenue	Las Palmaritas Drive to Olive Avenue
95th Avenue	Peoria Avenue north to 96th Avenue
99th Avenue (Section Line)	Beardsley Road to Potter Drive
101st Avenue	Beardsley Road to Irma Lane
105th Avenue	Deer Valley Road to Robin Lane

(2) The following streets shall have a prima facie speed limit set at thirty (30) miles per hour at all times:

Beardsley Road	81st Avenue to 83rd Avenue
Black Rock Boulevard	Jomax Road to Westwing Parkway
Butler Drive	104th Avenue to 114th Avenue
Cactus Road	91st Avenue to 92nd Drive
Calle Lejos	79th Avenue to 83rd Avenue
Cholla Street	67th Avenue to 83rd Avenue
Country Club Parkway	91st Avenue to Union Hills Drive
Deer Valley Road	107th Avenue to 109th Avenue
Desert Harbor Drive	91st Avenue to 91st Avenue
Desert Moon Way	67th Avenue to Terramar Boulevard
Dove Valley Ranch Drive	91st Avenue to 95th Avenue
Edgewater Road	Westbrook Parkway to Westbrook Parkway
Greenway Road	72nd Drive to 81st Avenue
High Desert Drive (North Loop)	Westwing Parkway to Westwing Parkway
High Desert Drive (South Loop)	Westwing Parkway to Westwing Parkway
Hillcrest Boulevard	83rd Avenue to Deer Valley Road
Kelton Lane	84th Avenue to 91st Avenue
Lakeview Road	Westbrook Parkway to Westbrook Parkway
Lone Cactus Drive	81st Avenue to 87th Avenue
Mountain View Road	67th Avenue to 79th Avenue
Olive Avenue Frontage Road (C)	73rd Avenue to 75th Avenue
Olive Avenue Frontage Road (A)	75th Avenue to 7600 West Olive Avenue
Oraibi Drive	81st Avenue to 83rd Avenue
Paradise Lane	87th Avenue to 91st Avenue
Peoria Avenue	79th Avenue to 81st Avenue
Pinnacle Peak Road	81st Avenue to 83rd Avenue

Pontebella Drive	129th Avenue to 130th Lane
Sonoran Mountain Ranch Road	Pyramid Peak Parkway to north of Montgomery Road
Sunrise Point	Town Center Drive to Lone Mountain Parkway
Sunset Point	Sunrise Point to Lone Mountain Parkway
Sweetwater Avenue	71st Avenue to 87th Avenue
Terramar Boulevard	Happy Valley Road to Jomax Road
Tumblewood Drive	87th Avenue to 91st Avenue
Union Hills Drive	107th Avenue to 111th Avenue
Village Parkway	Country Club Parkway to 83rd Avenue
Westbrook Drive	Country Club Parkway to Village Parkway
Westbrook Parkway	91st Avenue to Union Hills Dr.
Whispering Ridge	Sunrise Point to Vistancia Boulevard
71st Avenue	Olive Avenue to Acoma Drive
79th Avenue	Mountain View Road to Acoma Drive
79th Avenue	Country Gables Dr. to Tierra Buena Lane
81st Avenue	Deer Valley Road to Oraibi Drive
83rd Avenue	Edwards Street to Cholla Street / Varney Road
84th Avenue	Kelton Lane to Bell Road
85th Avenue	Olive Avenue to Grand Avenue
87th Avenue	Beardsley Road to Deer Valley Road
87th Avenue	Grand Avenue to Northern Avenue
87th Avenue	Tumblewood Drive to Union Hills Dr.
87th Avenue	Varney Road to Sweetwater Avenue
91st Avenue	Thunderbird Road to Kelton Lane
91st Avenue	Villa Lindo to Happy Valley Road
95th Avenue	Olive Avenue to Peoria Avenue
104th Avenue	Butler Drive to Olive Avenue
107th Avenue	Northern Avenue to Olive Avenue
111th Avenue	Union Hills Drive to Beardsley Road
112th Avenue	Beardsley Road to Rose Garden Lane

(3) The following streets shall have a prima facie speed limit set at thirty-five (35) miles per hour at all times:

Beardsley Road	Lake Pleasant Road to the west City Limits
Cibola Vista Drive	Jomax Road to Lake Pleasant Parkway
Deer Valley Road	83rd Avenue to 95th Avenue
Jomax Road	Lake Pleasant Parkway to the west City Limits
Jomax Road	El Mirage Road to 12900 West Jomax Road
Paradise Lane	75th Avenue to 83rd Avenue
Peoria Avenue	77th Avenue to 79th Avenue

Peoria Avenue	85th Avenue to 87th Avenue
Peoria Avenue	95th Avenue to 99th Avenue
Ridgeline Road	Vistancia Boulevard to 119th Lane
Rose Garden Lane	Lake Pleasant Parkway to 112th Avenue
Williams Road	Lake Pleasant Parkway to 109th Avenue
77th Avenue	Paradise Lane to Bell Road
83rd Avenue	Cholla Street / Varney Road to Cactus Road
83rd Avenue	Olive Avenue to Monroe Street
91st Avenue	Grand Avenue to Cactus Road
91st Avenue	Kelton Lane to Bell Road
95th Avenue	Beardsley Road to Deer Valley Road
99th Avenue	Northern Avenue to Olive Avenue
103rd Avenue	Northern Avenue to Olive Avenue
111th Avenue	Northern Avenue to Olive Avenue

(4) The following streets shall have a prima facie speed limit set at forty (40) miles per hour at all times:

Beardsley Road	Lake Pleasant Road to 83rd Avenue
Bell Road	The west City Limits to Loop 101 Freeway
Cactus Road	67th Avenue to 91st Avenue
Deer Valley	95th Avenue to 107th Avenue
El Mirage Road	Jomax Road to Vistancia Boulevard
Happy Valley Road	67th Avenue to Terramar Boulevard
Jomax Road	67th Avenue to Westwing Parkway
Lake Pleasant Parkway	Beardsley Road to 95th Avenue
Lake Pleasant Road	Beardsley Road to Lake Pleasant Parkway
Northern Avenue	71st Avenue to 115th Avenue
Olive Avenue	67th Avenue to 99th Avenue (Section Line)
Peoria Avenue	87th Avenue to 95th Avenue
Peoria Avenue	67th Avenue to 77th Avenue
Pinnacle Peak Road	99th Avenue to Lake Pleasant Parkway
Thunderbird Road	67th Avenue to 94th Drive
Union Hills Drive	83rd Avenue to the west City Limits
Westwing Parkway	Jomax Road to Lake Pleasant Parkway
75th Avenue	Northern Avenue to Bell Road
83rd Avenue	Cactus Road to Bell Road
83rd Avenue	Calle Lejos to Jomax Road
83rd Avenue	Union Hills Drive to Beardsley Road
83rd Avenue	Lake Pleasant Pkwy to Williams Road
91st Avenue	Bell Road to Pinnacle Peak Road
91st Avenue	Northern Avenue to Grand Avenue

107th Avenue	Union Hills Drive to 23,200 North 107th Avenue

(5) The following streets shall have a prima facie speed limit set at forty-five (45) miles per hour at all times:

Deer Valley Road	75th Avenue to 83rd Avenue
Happy Valley Road	Terramar Boulevard to Lake Pleasant Parkway
Happy Valley Parkway	Lake Pleasant Parkway to 107th Avenue
Lake Pleasant Parkway	95th Avenue to Yearling Road
Lone Mountain Parkway	El Mirage Road to Vistancia Boulevard
Vistancia Boulevard	Loop 303 to Whispering Ridge
87th Avenue	Carefree Hwy to Joy Ranch Road

(6) The following streets shall have a prima facie speed limit set at fifty (50) miles per hour at all times:

Castle Hot Springs Road	Carefree Hwy (SR74) to north Lake Pleasant Park entrance
Happy Valley Parkway	107th Avenue to west City Limits
Lake Pleasant Parkway	Yearling Road to Carefree Highway (SR 74)
New River Road	Carefree Highway (SR 74) to the north City Limits

(7) The following type of street shall have a prima facie speed limit set at fifteen (15) miles per hour at all times:

(a) All public dirt streets or gravel roads within the corporate limits of the City of Peoria, unless posted otherwise.

(b) The Engineering Director may determine that a different speed limit is appropriate for the specific dirt streets. If so, the Public Works Director is empowered to post the appropriate speed limit signs.

(8) The following type of streets shall have a prima facie speed limit set at twenty-five (25) miles per hour at all times, unless posted otherwise.

(a) Collector and residential streets adjacent to all Public Schools (with the exception of High Schools) shall be designated as a School Zone with a prima facie speed limit of twenty-five (25) miles per hour. Arterial streets adjacent to Public Schools and other designated arterial streets may have a School Zone with a prima facie speed limit deemed appropriate by the Engineering Director.

(b) All PM 10 roads, unless posted otherwise.

(c) All residential streets, unless posted otherwise.

State law reference(s) -- Speed generally, A.R.S. § 28-701 et seq.; authority to alter speed limits, A.R.S. §§28-627(A)(10), 28-703.

(Ord. No. 90-54, 11/13/90)
(Ord. No. 91-40, 11/12/91, Amended)
(Ord. No. 92-01, 1/14/92, Amended)
(Ord. No. 93-31, 7/6/93, Amended)
(Ord. No. 93-54, 12/7/93, Amended)
(Ord. No. 94-54, 7/19/94, Amended)
(Ord. No. 95-07, 1/17/95, Amended)
(Ord. No. 98-101, 9/22/98, Amended)
(Ord. No. 99-14, 4/6/99, Amended) SUPP. 1999-2
(Ord. No. 01-19, 5/22/2001, Amended) SUPP. 2001-2
(Ord No. 02-41, 6/4/2002, Amended) SUPP 2002-2
(Ord. No. 05-17, 3/1/2005, Amended) SUPP 2005-1
(Ord. No. 06-34, 09/19/06, Amended) SUPP 2006-03
(Ord. No. 09-13, 05/05/09, Amended) SUPP 2009-02
(Ord. No. 2010-01, 01/19/2010, Amended) SUPP 2010-01

Secs. 14-81. through 14-99. Reserved.
(Ord. No. 90-54, 11/13/90)
(Ord. No. 98-08, 2/3/98)

Sec. 14-100. Presumption in reference to illegal parking; joint registration; failure to pay civil sanction.

(a) In any proceeding alleging a violation of any of the provisions of this Chapter or the city fire code governing the standing or parking of a vehicle, the person in whose name such vehicle is registered shall be prima facie responsible for such violation and subject to a civil sanction therefor.

(b) The provisions of subsection (a) of this section shall apply to those persons in whose names such vehicle is jointly registered. Said persons shall be jointly and severally prima facie responsible for such a violation and subject to a civil sanction therefor.

(c) Any person who fails to pay a civil sanction imposed under this Chapter within thirty days after the date for final payment is set by the Municipal Court shall be subject to an additional penalty for non-payment in an amount imposed by this code.
(Ord. No. 98-08, 2/3/98, enacted)

Sec. 14-101. Emergency parking restrictions, violations.

(a) Upon recommendation of the Police Chief or the Engineering Director or their designees, the Public Works Director may place temporary signs to control parking during special events or in emergency situations.

(b) It shall be unlawful for any person to stop, stand or park a vehicle in violation of any temporary sign placed to control parking under this section. Violation of this section shall be a civil traffic violation and shall be punished by a civil sanction.

(c) It shall be unlawful for any person to remove or deface any temporary sign placed pursuant to this section. Violation of this subsection shall be a class three (3) misdemeanor.
(Code 1977, § 6-3-4)
(Ord. No. 98-08, 2/3/98, Amended)
(Ord No. 02-41, 6/4/2002, Amended) SUPP 2002-2
(Ord. No. 04-177, 6/15/2004, Amended) SUPP 2004-4

Sec. 14-102. Authority to erect signs; violations.

(a) The Engineering Director shall establish and the public works director or his designee is authorized to erect signs to restrict or limit parking on any street, roadway, right of way, city, property or facilities, park or other property of the city in accordance with the provisions of this section.

(1) The engineering director may establish certain time zones on any street, roadway, right of way, city property or facilities, during which parking may be limited to certain time limits or prohibited.

(b) It shall be unlawful to stop, stand or park any motor vehicle in violation of any sign erected by the public works director or his designee pursuant to subsection (a). Violation of this section shall be designated a civil traffic violation and shall be punished by imposition of a civil sanction.

State law reference(s) -- Obedience to traffic-control signs, signals, etc., A.R.S. § 28-644.
(Code 1977, § 6-3-4)
(Ord. No. 98-08, 2/3/98, Amended)
(Ord. No. 98-93, 8/26/98, Amended (a))
(Ord No. 02-41, 6/4/2002, Amended) SUPP 2002-2

Sec. 14-103. Method of parking: violations .

(a) Except as otherwise provided, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right hand wheels of such vehicle parallel to and within eighteen (18) inches of the right-hand or cul de sac curb.

(b) No person shall park or stand a vehicle upon those streets which have be signed or marked by the city for angle parking other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

(c) It shall be unlawful for any person to stop, stand or park a vehicle in violation of any sign or marking placed to control parking under this section or in violation of the requirements of this section.. Violation of this section shall be a civil traffic violation and shall be punished by a civil sanction.

(d) It shall be unlawful for any person to stop, stand or park a vehicle in such a manner as to use two or more designated parking spaces in any parking lot owned, leased, or operated by the City or a political subdivision of this state.

(e) Violations of this section shall be punished as a civil traffic violation and shall be punished by a civil sanction.
State law reference(s) -- Similar provisions, A.R.S. § 28-874.
(Code 1977, § 6-3-1)
(Ord. No. 98-08, 2/3/98, Amended adding (b) and (c))
(Ord. No. 07-13, 4/17/07, Amended adding (d) and (e)) SUPP 2007-2

Sec. 14-104. Parking; impeding traffic.

(a) No person shall stop, stand or park any vehicle upon a street or upon a crosswalk in such a manner or under such conditions as to impede the free movement of vehicular traffic or pedestrian traffic crossing the street at a designated crossing point. It shall be presumed that if a

vehicle is parked under such conditions that less than twenty feet of the roadway is available for vehicular traffic that the free movement of traffic is impeded.

(b) It is unlawful to park a motor vehicle, or other vehicle, within an alley or entrance to a private driveway except for the loading or unloading of physically disabled persons, goods or materials. Such loading or unloading shall be accomplished without blocking the alley to the free movement of vehicular traffic and without interfering with or obstruction the use of a fire escape or fire access. A vehicle displaying valid "Disabled Parking" identification may stop, stand or park in an alley while loading or unloading physically disabled persons for a period not to exceed five minutes. A stop for unloading goods or materials shall not exceed thirty minutes, unless an approved extended loading permit is obtained from the police department and prominently displayed in the windshield of the vehicle.

(c) Subsection (a) or (b) of this section does not apply to:

(1) Construction work that has been approved by the Engineering Director or his designee.

(d) Subsection (b) of this section does not apply to:

(1) Loading or unloading any truck trailer or tanker being used as an emergency vehicle for any governmental entity or any entity under the jurisdiction of the Arizona Corporation Commission or as a fire department vehicle, when such vehicle is actually being used in or preparing for an emergency.

(2) Any vehicles owned or operated by the city.

(e) It shall be unlawful for any person to stop, stand or park a vehicle in violation of any sign or marking placed to control parking under this section or in violation of the requirements of this section. Violation of this section shall be a civil traffic violation and shall be punished by a civil sanction.
(Code 1977, § 6-3-2)
(Ord. 98-08, 2/3/98, Amended)
(Ord No. 02-41, 6/4/2002, Amended) SUPP 2002-2
(Ord. 04-177, 6/15/2004, Amended) SUPP 2004-4

Sec. 14-105. Parking adjacent to schools.

(a) The engineering director shall designate and the public works director or his designee may erect signs indicating no parking of a vehicle is permitted on that side of the street adjacent to any school property, no person shall park a vehicle in any such designated place for one (1) hour before school opens until one (1) hour after school closes on any school day.

(b) It shall be unlawful for any person to stop, stand or park a vehicle in violation of any sign or marking placed to control parking under this section or in violation of the requirements of this section. Violation of this section shall be a civil traffic violation and shall be punished by a civil sanction.
(Code 1977, § 6-3-3)
(Ord. 98-08, 2/3/98, Amended)
(Ord No. 02-41, 6/4/2002, Amended) SUPP 2002-2

Sec. 14-106. Parking restrictions; generally.

(a) It is unlawful for any person to stop, stand or park any vehicle, recreational vehicle, hobby vehicle or utility trailer, whether in usable condition or not, for any of the following purposes:

(1) Displaying such vehicle for sale upon any right of way.

(2) Upon any right of way, washing, greasing, painting or repairing any vehicle, except for emergency and immediate repairs resulting from an unforeseen event which occurs during the operation of a vehicle, and such emergency and immediate repairs are necessary for the vehicle to be moved.

(3) Displaying advertising, upon any right of way.

(4) Displaying items for retail or wholesale sale, commercial items or property, upon any right of way.

(5) On a sidewalk or in front of a public or private driveway or the entrance to an alley or within five feet of the entrance of a public or private driveway or alley.

(6) On a cross walk or within twenty feet of a cross walk at an intersection.

(7) Within a designated bus stop.

(8) Alongside or opposite any street excavation of obstruction when stopping, standing or parking would impede traffic in the reasonable judgment of a peace officer, traffic

investigator or unarmed police aide.

(9) Where prohibited by official signs or designations, or where the curb is painted red (fire) or yellow (restricted) or within the right of way or in city owned or maintained parking lots.

(10) Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of the entrance

(11) On the median of any roadway.

(12) Upon the paved or main-traveled part of any roadway of any street without a curb where it is practicable to stop, park or leave the vehicle off that part of the roadway.

(13) Upon any roadway or designated lot for a consecutive period of time longer than that indicated by official signs installed to limit such parking.

(14) Within fifteen feet of a fire hydrant.

(15) Within a designated bicycle lane, unless otherwise posted.

(16) Upon any space designated as a high occupancy vehicle, car pool, alternative fuel vehicle parking space.

(b) No person shall park, or permit to be parked, any motor vehicle, trailer, boat, camper, recreational vehicle, hobby vehicle or utility trailer (hereafter "vehicle") for the purpose of sale upon any lot or area within the City. This section shall not apply to:

(1) The display of one vehicle for sale when the vehicle is owned by the resident of the property and is not being sold in connection with a vehicle sales business.

(2) Property which has a zoning classification which permits the sale of vehicles and the sale of vehicles is by the property owner, his lessee or tenants.

(c) Violation of subsection (b) shall constitute a civil traffic violation and the violator shall be subject to a civil sanction of not more than Two Hundred Fifty Dollars ($250.00), plus any applicable surcharges.

(1) No person shall be charged with a violation of subsection (b) unless either:

(2) A sign(s) visible from all entrances to the lot or from the parking space prohibits unauthorized parking, or

(3) The person parking on such private parking area has been warned orally or in writing to refrain from parking there.

(d) It is unlawful to park a recreational vehicle or a trailer on any public street, except for the purposes of loading and unloading the recreational vehicle or trailer. It shall be conclusively presumed that the recreational vehicle or trailer is not being parked for the purposes of loading and unloading if a recreational vehicle or trailer is parked on a public street for more than 24 consecutive hours.

(e) Violation of any subsection other than (b) shall be a civil traffic violation and shall be punished by a civil sanction.

(f) Right of way for purposes of this Chapter is defined as the actual street, curb, sidewalk or any other real property contained in the right of way, roadway easement or alley's dedicated, conveyed, granted or transferred to the City of Peoria. Right of way also includes all real property dedicated, conveyed, granted or transferred to any other political subdivision of this state or the state and which is used for roadway, utility, irrigation or any other public purpose.

State law reference(s) -- Similar provisions, A.R.S. §28-873(A)(1).

(Code 1977, § 6-3-5)
(Ord. No. 92-20, 5/12/92, Amended)
(Ord. No. 98-08, 2/3/98, Amended)
(Ord. No. 04-177, 6/15/2004, Amended) SUPP 2004-4
(Ord. No. 07-13, 4/17/07, Amended added d, renumbered e and f) SUPP 2007-2

Sec. 14-107. Parking; motor vehicles used for commercial purposes; special parking provisions.

(a) It is unlawful to park a motor vehicle, utility trailer, hobby vehicle or any other trailer used for commercial purposes with any motor or engine operating for more than twenty (20) minutes in a twenty-four hour period commencing each day at 12:00 a.m., in any residential zoning district of the city, or within three hundred (300) feet of any occupied residence in a nonresidential area.

(b) Except as otherwise provided in this section, it is unlawful to park any motor vehicle used for commercial purposes upon any lot, parcel or property within the city, except on a lot with proper zoning and site plan approvals from the City for such parking.

(c) No person shall stand or park a vehicle with a gross vehicle weight rating in excess of ten thousand (10,000) pounds and exceeding a one (1) ton chassis rating, or a tractor, semi-trailer, trailer, or bus on a street in a residential zone, or adjoining a residential zone, except during the process of loading or unloading such vehicle.

(d) No person shall stand or park a tractor, semi-trailer, trailer, or bus, on any real property within a residential zoning district within the City.

(e) No person shall stand or park a vehicle having: (i) a gross vehicle weight rating in excess of ten thousand (10,000) pounds or (ii) exceeding a one (1) ton chassis rating on any real property within a residential zoning district within the City, except during the process of loading or unloading the vehicle, or unless parked or placed within a side or rear yard that shall be screened by a minimum six foot high block wall, wood fence or gate. All screen walls, fences or gates shall be erected and maintained in conformance with provisions of the zoning ordinance.

(f) It shall be unlawful to park or stand a commercial vehicle for the purposes or retail sales of food for human consumption from the vehicle on any parcel without permission of the property owner or person in lawful possession of such property or on any lot designated as a Park and Ride Lot by the City for use by the operators of motor vehicles as a parking area to facilitate car pooling and/or use of mass transit systems.

(g) Notwithstanding the provisions of subsection (d) of this section, vehicles driven by employees of a public service corporation as defined in Title 40, Arizona Revised Statutes, a telecommunications provider as defined in Title 9, Arizona Revised Statutes, a cable communications provider as defined in this code or a special taxing district organized under Title 48, Arizona Revised Statutes or a political subdivision of this state may be parked on any real property within a residential zoning district.

(h) Violation of this section shall constitute a civil traffic violation and the violator shall be subject to a civil sanction of not less than one hundred and fifty ($150.00) dollars.
(Code 1977, § 6-3-6)
(Ord. No. 92-20, 5/12/92, Repealed)
(Ord. No. 98-08, 2/3/98, Renumbered from section 14-109)
(Ord. No. 98-08, 2/3/98, Amended to add (b))
(Ord. No. 98-08, 2/3/98, Renumbered section 14-111(b) to (c))
(Ord. No. 98-08, 2/3/98, Renumbered section 14-112(a) to (d))
(Ord. No. 98-17, 3/17/98, Amended(c))
(Ord. No. 99-03, 1/19/99, Amended) (SUPP 1999-1)
(Ord. No. 04-177, 6/15/2004, Amended) SUPP 2004-4
(Ord. No. 07-13, 4/17/07, Amended added (e), renumbered (f) and (g) SUPP 2007-2
(Ord. No. 09-18B, 10/20/09, Amended (d), added (e), renumbered (f), (g) and (h)) SUPP 2009-4

Sec. 14-108. Loading and unloading trucks.

(a) It is unlawful to load or unload, or cause to be loaded or unloaded, any truck, trailer or tanker within three hundred (300) feet of any dwelling or mobile home, situated or located, on properties zoned residential between 10:00 p.m. and 6:00 a.m.

(b) Subsection (a) of this section does not apply to:

(1) Loading or unloading any truck trailer or tanker being used as an emergency vehicle for any governmental entity or pubic service corporation regulated by the Arizona Corporation Commission as a fire department vehicle, when such vehicle is actually being used in or preparing for an emergency.

(2) Any vehicles owned or operated by the city.

(c) No motor vehicle, including trailers with auxiliary motors for ventilation or refrigeration, shall be parked upon the public streets or alleys of the city with the motors running unless attended and occupied by a qualified driver, or unless it is actively being loaded or unloaded.
(Code 1977,§ 6-3-7)
(Ord. No. 98-08, 2/3/98, Amended to renumber Section 14-110 to (c))
(Ord. No. 04-177, 6/15/2004, Amended) SUPP 2004-4

Sec. 14-109. Parking; definitions.

(a) In this chapter:

(1) "Hobby Vehicle" means a vehicle with or without motive power, other than a pole trailer and semi trailer, designed for recreational, leisure or transporting property, including but not limited to vehicles designed for off-road use.

(2) "Recreational vehicle" means a vehicular type unit as defined in A.R.S. § 41-2142.30 specifically designed for recreational use, watercraft and trailers used to haul watercraft, horse trailers and similar recreation equipment.

(3) "Street" means the entire width between the boundary lines of every way, including the improved and unimproved shoulder or berm thereto.

(4) "Utility trailer" means a vehicle with or without motive power, other than a pole trailer and semi trailer, designed for carrying property and for being drawn by a motor vehicle.

State Law Reference. A.R.S.§41-2142.30, Building Safety; definitions..
(Code 1977, § 6-3-9)
(Ord. No. 98-17, 3/17/98, Amended (a))
(Ord. No. 04-177, 6/15/2004, Amended) SUPP 2004-4

Sec. 14-110. Parking; recreational vehicles; utility trailers; private property parking.

(a) Recreational vehicles and Utility trailers, as defined above, shall be allowed to be parked within the garage or carport in the single family residential zoning districts. Recreational vehicles and Utility trailers shall also be permitted to be parked within a side or rear yard when located within a single family residential zoning district and appropriately screened in accordance

with the provisions of the zoning ordinance and section 14-111 of this code.

(b) Recreational vehicles located on properties zoned for single family residential uses may not be utilized for living purposes by any person.

(c) Properties located within a single family residential zoning district and used primarily for commercial agricultural purposes and boats anchored or docked on water shall be exempt from the regulations contained in sections 14-110 through 14-111 of this code.

(d) Recreational vehicles and Utility trailers used for a non-commercial purpose and located on properties zoned for single family residential uses may be parked in the front yard only when in the process of loading or unloading. There shall be a rebuttable presumption that parking in the front yard for a period in excess of twenty-four continuous hours is not for the purpose of loading and unloading.

(e) Utility trailers used for a commercial purpose shall not be parked in the front yard or upon any public right of way, street, alley or easement between the hours of 6:00 p.m. and 8:00 a.m. Notwithstanding the foregoing, such utility trailers that are the property of the state, a political subdivision of this state, the City, a public service corporation regulated by the Arizona Corporation Commission or a telecommunications corporation may be parked upon a public right of way, street, alley or easement for the purposes of street and utility repair.

(f) There shall be no limit on the number of Recreational vehicles or Utility trailers lawfully permitted on any parcel of land and where not otherwise prohibited.

(g) All Recreational vehicles and Utility trailers shall be maintained in good repair as required by this code and all parking areas shall be maintained in accordance with this code; zoning ordinances and the city's subdivision regulations as applicable.

(h) The regulations contained within this chapter are not intended to supersede any lawfully established covenants, conditions and restrictions relating to the parking of Recreational vehicles and Utility trailers nor shall the granting of any special permit supersede any lawfully established covenants, conditions and restrictions applicable to the subject property.

(i) For purposes of sections 14-107 through 14-113 of this code, the terms

(1) “Park, parked, parking” shall include attaching a utility trailer or other trailer to a motor vehicle for the purpose of towing.

(2) "Single family residential zoning district" shall include all residential zoning districts that currently or have previously permitted single family of two-family

residential dwelling units.
(Ord. No. 98-17, 3/17/98, Enacted)
(Ord. No. 04-177, 6/15/2004, Amended) SUPP 2004-4

Sec. 14-111. Parking; recreational vehicles; utility trailers; screening.

(a) All Recreational vehicles and Utility trailers parked within a side or rear yard shall be screened by a minimum six (6) foot high solid block wall, wood fence or gate. All screen walls, fences or gates shall be erected and maintained in conformance with the provisions of the zoning ordinance.

(b) Recreational vehicles and Utility trailers located on parcels or lots zoned for lot sizes in excess of thirty-five thousand (35,000) square feet shall be exempt from the screening requirements set forth in this section.

(c) All property owners shall have until April 19, 1999 to comply with the screening requirements set forth herein.
(Code 1977, § 6-3-11)
(Ord. No. 98-08, 2/3/98, renumbered and retitled to 14-109)
(Ord. No. 98-08, 2/3/98. Reserved)
(Ord. No. 98-17, 3/17/98, Enacted)
(Ord. No. 04-177, 6/15/2004, Amended) SUPP 2004-4

Sec. 14-112. Recreational Vehicles and Utility trailers; waivers.

(a) Single family or two family residential property owners with Recreational vehicles or Utility trailers on lots zoned RM-1 as of March 1, 1998, where the Recreational vehicle storage or Utility trailer storage does not conform to the provisions of chapter, may submit to the City, an application supplied by the city prior to July 17, 1998 to register the nonconforming Recreational vehicle or Utility trailer. The City will inspect the Recreational vehicle or Utility trailer and its storage location on the property for which registration is sought and issue a special permit as an exception to the requirements of this code section, if the storage area meets the public safety codes and requirements of the City.

(b) Upon issuance of a special permit, the permit shall be recorded with Maricopa County and shall note that the permit only applies to the current real property owner and any future owner(s) shall comply with the provisions of this chapter. The issuance of a special permit shall apply to all new Recreational vehicles or Utility trailers acquired by the permitted real property owner/applicant only upon reapplication and re-approval by the city and upon recordation with Maricopa County. All new Recreational vehicle and Utility trailer parking locations shall meet the public safety codes of the City.

(c) All Recreational vehicles and/or utility trailers for which a special permit is

approved must have a current registration and must be kept in good repair.
(Code 1977, § 6-3-10)
(Ord. No. 98-08, 2/3/98, Amended to renumber to 14-108(c))
(Ord. No. 98-17, 3/17/98, Enacted)

Sec. 14-113. Parking in residential areas; driveways or private property.

(a) No person shall park, or permit to be parked, any motor vehicle, trailer, boat or camper (hereafter "vehicle") for the purpose of sale upon any lot or area within the City. This section shall not apply to:

(1) The display of one vehicle for sale when the vehicle is owned by the resident of the property and is not being sold in connection with a vehicle sales business.

(2) Property which has a zoning classification which permits the sale of vehicles and the sale of vehicles is by the property owner, his lessee or tenants.

(b) Violation of subsection (b) shall constitute a civil traffic violation and the violator shall be subject to a civil sanction of not more than Two Hundred Fifty Dollars ($250.00), plus any applicable surcharges.

(1) No person shall be charged with a violation of subsection (b) unless either:

(2) A sign(s) visible from all entrances to the lot or from the parking space prohibits unauthorized parking, or

(3) The person parking on such private parking area has been warned orally or in writing to refrain from parking there.

(c) Unless otherwise provided, a violation of this section shall be a civil traffic violation and shall be subject to a civil sanction of not more than One Hundred Dollars ($100.00), plus any applicable surcharges.

Cross reference(s) -- Use of vehicles on vacant property, §13-125.

State law reference(s) -- Authority to regulate rates for towing of vehicles from private property without permission of owner or operator of vehicle, A.R.S. § 9-499.05.
(Code 1977, §6-3-12)
(Ord. No. 91-32, 10/8/91, Repealed & Reenacted)
(Ord. No. 92-20, 5/12/92, Amended)
(Ord. No. 98-08, 2/3/98, Amended renumbering (a) to 14-107(d))
(Ord. No. 98-17, 3/17/98, Amended renumbering from 14-112)

Sec. 14-114. Parking on driveway or private property; removal by tow truck operators.

(a) Any owner or person in lawful possession of property shall comply with the provisions of this section prior to authorizing the towing of vehicles improperly parked. The owner or person shall place signs clearly visible which state:

(1) Restrictions on the parking.

(2) The disposition of vehicles found in violation of parking restrictions.

(3) Maximum cost to the violator, including daily storage fees and other charges that could result from the disposition of his/her unlawfully parked vehicle.

(4) Cite conspicuously Peoria City Code (1992) Section 14-114.

(b) No tow truck operator acting under the authority of this section shall tow a vehicle from private property or a private driveway unless the sign(s) is/are posted as required by subsection (a) and contain all the information specified in subsection (a), nor shall he/she charge fees in excess of the amount specified on the signs.

(c) In addition to any other restrictions imposed by this section, a tow truck operator shall not tow or transport a motor vehicle from any private property or private driveway without the permission of the owner or operator of the vehicle unless such tow truck operator receives the request from a law enforcement agency or a written towing order from the real property owner or his agent. A tow truck operator shall not act as the agent of the real property owner. The real property owner or his agent shall sign the towing order, which shall specify each vehicle to be towed and shall not authorize the towing of an unknown vehicle at a future date. A tow truck operator shall not tow or transport the vehicle unless the towing order is in his/her possession.

(d) No person shall hold or attempt to hold any vehicle towed without the consent of the owner of the vehicle as security for accrued towing or other charges. Nor shall any person require the owner of such a vehicle to give any security as a condition precedent for the release of such vehicle. A person may require the display of a driver's license or other reliable means of identification from the person claiming such vehicle to assist in the billing and collections of towing and storage charges.

(e) The owner or any person authorized to represent the owner of a vehicle being towed or transported pursuant to this section may demand the release of the vehicle at any time prior to the transportation of the vehicle to a storage area. Upon such demand, the towing or transportation of the vehicle shall be considered complete and the tow truck operator shall release the vehicle pursuant the requirements of Subsection (d) of this Section.

(f) Any costs of towing and storage shall be reasonable in amount; any costs paid to the extent that they are determined to be unreasonable shall be ordered refunded by a court or other entity of competent jurisdiction if its jurisdiction is invoked.

(g) Notwithstanding any other provision of this section, an abandoned vehicle may be towed from any private property or private driveway pursuant to a written order from the real property owner or his/her agent. A tow truck operator shall not act as the agent of the real property owner. The real property owner or his/her agent shall sign the towing order, which shall specify each vehicle to be towed and shall not authorize the towing of an unknown vehicle at a future date. A tow truck operator shall not tow or transport a vehicle unless the towing order is in his/her possession. For the purposes of this section an "abandoned vehicle" is a vehicle left in a private parking area more than seven (7) calendar days, when it has not been left under a written contract of storage and has not during that period been removed by the person leaving it.

(h) A violation of this section shall constitute a Class 1 Misdemeanor.
(Code 1977, § 6-3-13)
(Ord. No. 91-32, 10/8/91, Repealed & Reenacted)
(Ord. No. 98-17, 3/17/98, Renumbered from 14-113)

Secs. 14-115. through 14-139. Reserved.

Sec. 14-140. Definitions; bicycles; motorized play vehicles.

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:

(a) Bicycle--A device propelled by human power upon which a person may ride, having two wheels either of which is more than sixteen inches in diameter and including any device generally recognized as a bicycle though equipped with two front or two rear wheels.

(b) Bicycle Lane--That portion of roadway set aside by the city for the exclusive use of bicycles or other modes of travel where permitted by statute or city code, and so designated by appropriate signs and markings.

(c) In Line Skates--A shoe or boot with a blade like series of wheels arranged in a straight line and commonly known and marketed as "roller blades" or "in line skates".

(d) Motorized Play Vehicle--A coaster, skateboard, scooter or other motorized vehicle that is self propelled by a motor and which is not defined in Title 28, Arizona Revised Statutes as a motor driven cycle, motorized wheelchair or motor vehicle.

(e) Operator--A person who operates or is in actual physical control of a bicycle or motorized play vehicle upon a public roadway, sidewalk, right of way, park, bicycle path or any other public property used for the operation of motor vehicles.

(f) Owner--A person who holds the legal title to a bicycle or motorized play vehicle, or if the bicycle or motorized play vehicle is the subject of a lease or an agreement for the conditional sale thereof, with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, then such lessee, conditional vendee or mortgagor shall be deemed the owner.

State Law Reference. A.R.S. §28-101
(Ord. 95-29, 6/6/95, Amended)

Sec. 14-141. Bicycles; Seizure of abandoned.[2]

The police department shall take possession of all bicycles that may have been abandoned on any street, alley or any other public place in the city. Such bicycles shall not be released without

[2]**State law reference(s)** -- Authority to regulate and license bicycles, A.R.S. § 28-627(A)(8); operation of bicycles and play vehicles, A.R.S. § 28-811 et seq.

the payment of any storage charges.
(Code 1977, § 6-4-16)
(Ord. No. 04-177, 6/15/2004, Amended) SUPP 2004-4

Sec. 14-142. Bicycles; non-motorized scooters, in line skates and motorized play vehicles; Applicability of traffic laws; Obedience to traffic signals and signs.

(a) All traffic laws shall apply to persons riding bicycles, non-motorized scooters, in line skates and motorized play vehicles. Every person riding a bicycle, a non-motorized scooter, or operating a motorized play vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles, or by the traffic regulations of this city applicable to the driver of a vehicle, except as to special regulations in this chapter and except as to those provisions which by their nature can have no application.

(b) It is unlawful for any person operating a bicycle, non-motorized scooter, in line skates or motorized play vehicle not to obey the instructions of official traffic-control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer.

State law reference(s) -- Application of traffic laws to bicycles, A.R.S. § 28-812.
(Code 1977, § 6-4-11(A))
(Ord. No. 95-29, 6/6/95, Amended)
(Ord. No. 01-172, 11/6/01, Amended) SUPP 2001-4

Sec. 14-143. Bicycles, non-motorized scooters, in line skates, motorized play vehicles, responsibility to yield.

(a) The operator of a bicycle, non-motorized scooter, in line skates or motorized play vehicle emerging from an alley, driveway, or building shall, upon approaching a sidewalk or the sidewalk area extending across such alley, driveway, or building exit, yield the right-of-way to all pedestrians approaching on said sidewalk or side walk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching-on said roadway.

(b) Whenever any person is riding a bicycle, non-motorized scooter, in line skates or motorized play vehicle upon a sidewalk he shall yield the right-of-way to an pedestrian.

State law reference(s) -- Pedestrians, A.R.S. § 28-791 et seq.
(Code 1977, § 6-4-11(B))
(Ord. No. 95-29, 6/6/95, Repealed)
(Ord. No. 95-29, 6/6/95, Enacted)
(Ord. No. 01-172, 11/6/01, Amended) SUPP 2001-4

Sec. 14-144. Bicycles and motorized vehicles; speed.

It is unlawful to operate a bicycle or motorized play vehicle at a speed greater than is reasonable and prudent under the conditions then existing.
(Code 1977, § 6-4-12(D))
(Ord. No. 95-29, 6/6/95, Amended)

Sec. 14-145. Bicycles; manner of parking.

It is unlawful to park a bicycle upon a street or upon a roadway against the curb in a residential area, or upon any sidewalk in a residential area or in the business district; provided, that a bicycle may be parked in a bicycle rack or on the sidewalk in a business district next to the curb in an upright position in such manner as to afford the least obstruction to pedestrian traffic.
(Code 1977, § 6-4-13)

Sec. 14-146. Reserved.
(Code 1977, §6-4-14)
(Ord. No. 95-29, 6/6/95, Repealed)

Sec. 14-147. Bicycles and motorized play vehicles; use without owner's consent.

It is unlawful to use a bicycle or motorized play vehicle without the owner's consent.
(Code 1977, § 6-4-15)
(Ord. No. 95-29, 6/6/95, Amended)

Sec. 14-148. Bicycles, motorized play vehicles; required equipment; prohibited equipment; hours of operation; permitting violations by others prohibited.

(a) No person shall operate upon a public roadway, bicycle path or on any right of way under the jurisdiction or control of the city, a motorized play vehicle which requires the operator to physically attach to their person the fuel pack providing fuel for the motorized play vehicle.

(b) The parent, guardian or legal custodian of a minor shall not authorize or knowingly permit the minor to violate this section.

(c) No person under the age of eighteen years shall operate upon a public roadway, bicycle path upon any right of way under the jurisdiction or control of the city, a motorized play vehicle without wearing a helmet designed for bicycle or in line skate use.

(d) No person shall operate a motorized play vehicle upon a public roadway, bicycle path or upon any right of way under the jurisdiction or control of the City or open to access by the general public for its benefit between the hours of Sundown and 8:00 a.m.

(e) Every Motorized Play Vehicle operated upon any street or highway within the City shall be equipped with the following:

(1) Except as provided in section (4) of this subsection, a lamp emitting a white light which, while the Motorized Play Vehicle is in motion, illuminates the roadway in from of the operator and is visible from a distance of Three Hundred (300) Feet in front of and from the sides of the Motorized Play Vehicle.

(2) Except as provided in Section (5) of this subsection, a red reflector on the rear that is visible from a distance of 500 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle

(3) A white or yellow reflector on each side visible from the front and rear of the motorized play vehicle from a distance of Two Hundred (200) feet upon a public roadway, bicycle path or upon any right of way under the jurisdiction or control of the City, a motorized play vehicle without such vehicle being equipped with a reflector that is visible at night from all distances from fifty to three hundred feet when directly in front of lawful upper beams of headlamps.

(4) A lamp or lamp combination, emitting a white light attached to the operator and visible from a distance of Three Hundred (300) Feet in front and from the sides of the Motorized Play Vehicle, may be used in lieu of the lamp required by Section (1) of this subsection.

(5) A red reflector or reflectorized material attached to the operator and visible from a distance of 500 feet to the rear when directly in front of the lawful upper beams of headlamps on a motor vehicle may be used in lieu of the reflector required by Section (2) of this subsection.

(f) It is unlawful for any person to operate a motorized play vehicle upon any street of highway within the City while under the influence of an alcoholic beverage or any drug or under the combined influence of an alcoholic beverage or drug. A person by operating such motorized play vehicle upon the street or highway within the City is deemed to have impliedly consented to the administration of a chemical test of the person's blood or breath for the purpose of determining the alcoholic or drug content of that person's blood, and upon request of the arresting office shall have the test performed. A violation of this subsection shall be a class one misdemeanor and shall be punished by a fine not to exceed Five Hundred ($500.00) Dollars

(g) No person shall operate a Motorized Play Vehicle at any time upon any street or highway within the City without a muffler being installed to reduce engine noise.

(h) No person shall operate a Motorized Play Vehicle at any time upon any street or

highway within the City having installed a “high performance exhaust, filter and carburation kit or any modification of the air inflow system for the purpose or having the result of increasing the maximum speed of the Motorized Play Vehicle.

(i) No person shall operate a Motorized Play Vehicle at any time upon any street or roadway of the City unless it is equipped with a brake that will enable the operator to make a braked wheel skid on dry, level, clean pavement.

(j) No person shall operate a Motorized Play Vehicle with any passengers in addition to the operator.

(k) No person shall operate a Motorized Play Vehicle carrying any package, bundle, article or item that prevents the operator from keeping at least one hand upon the handlebars at all times while the vehicle is being operated.
(Ord. No. 95-29, 6/6/95, Enacted)
(Ord. 01-172, 11/6/01, Amended) SUPP 2001-4

Sec. 14-149. Bicycles; Motorized Play Vehicles; operations, violation.

(a) It is unlawful to ride a bicycle upon a sidewalk within a business district that is designated in some manner indicating that bicycles are prohibited.

(b) It is unlawful to operate a motorized play vehicle upon any sidewalk within the city.

(c) No person shall operate a motorized play vehicle on the property of political subdivisions of this state other than the city if the political subdivision has posted upon its property notice that such violations are prohibited.

(d) No person shall operate a motorized play vehicle in any city park, Peoria sports complex or Peoria municipal complex or in any parking structure owned by the city.

(e) No person shall operate a motorized play vehicle upon any public street in the city's consisting of four or more marked traffic lanes or having a speed limit established greater than thirty miles per hour or upon any local or collector street that the Engineering Director of the city has determined to be unsuitable for motorized play vehicle operation due to traffic, speed, visibility, and access concerns and has been duly posted. However, motorized play vehicles may be operated in a designated bicycle lane, unless the street has been posted in accordance with this subsection.

(f) No person shall operate a motorized play vehicle on any private property unless permission shall have been granted by the owner of the property.

(g) Violations of sections 14-142 - 14-149 of this code shall be designated a civil traffic violation unless otherwise designated and shall be prosecuted in the same manner as provided by law for other civil traffic violations.

State Law Reference. A.R.S. §28-1071. Civil Traffic Violations.

(Ord. No. 95-29, 6/6/95, Enacted)
(Ord. No. 01-172, 11/6/02, Amended) SUPP 2001-4
(Ord No. 02-41, 6/4/2002, Amended) SUPP 2002-2

Secs. 14-150. through 14-155. Reserved.
(Ord. No. 95-29, 6/6/95)

Sec. 14-156. Repealed
(Code 1977, § 6-4-2)
(Ord. No. 04-177, 6/15/2004, Repealed) SUPP 2004-4

Sec. 14-157. Repealed
(Code 1977, § 6-4-4)
(Ord. No. 04-177, 6/15/2004, Repealed) SUPP 2004-4

Sec. 14-158. Repealed
(Code 1977, § 6-4-5)
(Ord. No. 04-177, 6/15/2004, Repealed) SUPP 2004-4

Sec. 14-159. Repealed
(Code 1977,§ 6-4-3)
(Ord. No. 04-177, 6/15/2004, Repealed) SUPP 2004-4

Sec. 14-160. Repealed
(Code 1977, §§6-4-6--6-4-8)
(Ord. No. 04-177, 6/15/2004, Repealed) SUPP 2004-4

Sec. 14-161. Repealed
(Code 1977, § 6-4-9)
(Ord. No. 04-177, 6/15/2004, Repealed) SUPP 2004-4

Sec. 14-162. Repealed
(Code 1977, § 6-4-10)
(Ord. No. 04-177, 6/15/2004, Repealed) SUPP 2004-4

Secs. 14-163. through 14-175. Reserved.

Sec. 14-176. Identification of funeral processions.

A funeral procession shall be identified by such methods as may be determined by the chief of police.
(Code 1977, § 6-2-12(B))

Sec. 14-177. Driving through processions.

No person shall drive a vehicle between vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. This subsection does not apply at intersections where traffic is controlled by traffic-control signals or a police officer.
(Code 1977,§ 6-2-12(C))

Sec. 14-178. Conduct of drivers in processions.

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and shall follow the vehicle ahead as close as is practical and safe.
(Code 1977, § 6-2-12(D))

Secs. 14-179. through 14-188. Reserved.

Sec. 14-189. Parade permit; required.

(a) In this section "parade" means any parade, march, ceremony, show, exhibition, pageant or procession of any kind, or any similar display, in or upon any street in this city.

(b) No person shall engage in, participate in, aid, form or start any parade, unless a parade permit has been obtained from the chief of police.

(c) Subsection (b) of this section does not apply to:

(1) Funeral processions.

(2) Students going to and from school classes or participating in educational activities, providing such conduct is under the immediate direction and supervision of the proper school authorities.

(3) A governmental agency acting within the scope of its functions.

Cross reference(s) -- Definitions and rules of construction generally, § 1-2.

(Code 1977, §6-2-12(A))

Sec. 14-190. Parade Permit; application.

(a) A person seeking issuance of a parade permit shall file an application with the chief of police not less than five (5) days nor more than thirty (30) days before the date on which it is proposed to conduct the parade on forms provided by such officer.

(b) The application for a parade permit shall set forth the following information:

(1) The name, address and telephone number of the person seeking to conduct the parade.

(2) If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of the organization.

(3) The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct.

(4) The date when the parade is to be conducted.

(5) The route to be traveled, the starting point and the termination point.

(6) The approximate number of persons who, and animals and vehicles which, will constitute such parade and the type of animals, and a description of the vehicles.

(7) The hours when the parade will start and terminate.

(8) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed.

(9) The location by streets of any assembly areas for the parade.

(10) The time at which units of the parade will begin to assemble at assembly areas.

(11) The interval of space to be maintained between units of the parade.

(12) If the parade is designed to be held by, or on behalf of or for, any person other than the applicant, a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf.

(13) Any additional information which the chief of police shall find reasonably necessary to a fair determination as to whether a permit should issue.

(c) The chief of police, where good cause is shown therefor, shall have the authority to consider any application which is filed less than five (5) days before the date the parade is proposed to be conducted.

State law reference(s) -- Authority to regulate or prohibit parades or processions, A.R.S. §28-627(A)(3); funeral processions, A.R.S. § 28-776.
(Code 1977, § 6-2-12(A))

Sec. 14-191. Reserved.

Administrative/General

Sec. 25-1. Definitions.

For the purpose of this Chapter, the following words, terms and phrases shall have the following meaning ascribed to them, except where the context clearly indicates a different meaning:

Approach mains shall be those mains subject to repayment and defined as follows:

(i) Mains extended beyond the limits of the project or mains constructed through the project or mains constructed along the frontage or boundary of the development; and
(ii) Mains which serve other property owners other than the owner who is developing the property; and
(iii) Mains which are constructed to contain additional capacity to provide adequate fire flow and water pressure above and beyond that required by the development based on the most recent Water Master Plan.

Approved means accepted by the Utilities Director or their authorized deputy, agent, designee or representative as meeting an applicable specification stated or cited in this code, or as suitable for the proposed use.

City means the City of Peoria, Maricopa County, Arizona and/or the Utilities Department. For purposes of certain sections, the City shall be defined as the Utilities Department and the Engineering Department with the Engineering Department performing reviews on behalf of the Utilities Department to assure compliance with the Utilities Department standards and specifications.

City Engineer means the Director of the Engineering Department, (i.e., City Engineer) or their deputy, agent, designee or representative.

City Water Service Area means all incorporated areas of the City, which are not currently served water by a private water company.

Civil Sanction means that part of the law (i.e., this code) which is designed to secure enforcement by imposing a penalty. A punitive act taken by the City against an individual or customer, which has violated this code.

Commercial Unit means non-residential units which are intended to facilitate all types of employment-generating or business uses, including, but not limited to retail and service establishments, neighborhood convenience stores, business parks and professional offices, research and development centers, storage warehouses and industrial units.

Conveniently Accessible (for meter locations) means located in an open area with not less than three (3) feet in diameter access around the meter.

Customer(s) means any person (legal or natural), partnership, association, company, private corporation, public corporation, political subdivision, the United States and the State of Arizona, who requests or receives water from the City's public water distribution system or reclaimed water from the City's reclaimed water distribution system or untreated Central Arizona Project water from City facilities.

Development Fees means a fee assessed by the City to offset costs to the City associated with providing necessary public services to a development.

Director or *Utilities Director* means the Public Works – Utilities Director of the City of Peoria or their authorized deputy, agent, designee or representative.

Dwelling Unit means:

(i) *Multiple-Family Dwelling Unit* means mobile home space within a mobile home park, a travel trailer space within a travel trailer park, a hotel, motel, rest home, apartment, condominium units served by a single meter, and any other building in which more than one (1) family may reside either temporarily or on a permanent basis.

(ii) *Single-Family Dwelling Unit* means any unit attached or detached served by an individual meter in which only a single-family may reside, other than a multiple-family dwelling unit.

Industrial Unit means a business use or an activity involving and/or including, but not limited to, resource extraction, manufacturing, fabrication, assembly, and warehousing.

Institutional Unit means a use or activity involving and/or including, but not limited to a pubic and public/private group use of a nonprofit nature, typically engaged in public service or a religious institution, hospital, public or private school or college, and public agency.

Minor Land Division means:

(i) The division of one parcel of land into three or less parcels.

(ii) Application for a building permit on a single lot, parcel or tract that is not a lot, parcel or tract located within a recorded subdivision and which may be divided into one or more additional lots, parcels or tracts, regardless of whether the property owner has indicated any intent to do so.

Non-Potable Water means water delivered through the City's non-potable water distribution system. Non-potable water is not designated to meet the Environmental Protection Agency's and Arizona Department of Environmental Quality's drinking standards but is appropriate for other use.

Non-Potable Water Delivery means City service to provide non-potable water for, but not limited to, commercial, recreational and landscaping purposes and recharge.

Non-Potable Water Distribution System means the network of public non-potable wells, waterlines, pumping and booster stations, storage facilities and related equipment/appurtenance, which compose the basic grid and distribution system for non-potable water service to the point of delivery for non-potable water.

Non-Potable Water Service Line means an approved type of pipe carrying non-potable water from the public non-potable waterline to the point of delivery.

Non-Potable Water Use Service Agreement means a separate written agreement between the City and a City non-potable water customer that governs the delivery of non-potable water by the City. It is an implied condition of every non-potable water service agreement that all of the provisions of this Code pertaining to non-potable water and any failure to deliver non-potable water because there is inadequate availability of non-potable water for any priority customer is not a breach of the non-potable water use service agreement.

Point of Delivery for Non-Potable Water means the non-potable water meter or such other location as determined in the sole discretion of the Utilities Director and located on or proximately to a customer's property to which the City will deliver non-potable water and have access to for inspection and/or replacement.

Point of Delivery for Reclaimed Water means the reclaimed water meter or such other location as determined in the sole discretion of the Utilities Director or their designee and located on or proximately to a customer's property to which the City will deliver reclaimed water and have access to for inspection and/or replacement.

Point of Delivery or Point of Service Delivery means the terminal end of a service connection from public water system. If a meter is installed at the end of the service connection, then the point of service delivery shall mean the downstream end (i.e., customer side) of the meter. If an un-metered connection exists, then the point of service delivery shall mean at the point of demarcation between the public right-of-way or easements and private property. Also, the water meter or such other location as will be determined in the sole discretion of the Director or their authorized deputy, agent, designee or representative, and located on or proximately to a customer's property to which the City will deliver water and have access to for inspection and/or replacement.

Potable Water means water delivered through the City's domestic water delivery system after treatment designated to meet the Environmental Protection Agency's and Arizona Department of Environmental Quality's drinking standards.

Property Owner means the person, company, entity or developer which is developing the property. A property owner may in certain circumstances also be the individual requiring an approach main extension and/or be a customer (or future customer).

Public Water Distribution System means the network of public waterlines, pumping and booster stations, storage facilities and related equipment/appurtenance, which compose the basic grid and distribution system for water service to the point of delivery.

Public Waterline or Public Water Main means a waterline (or water main) owned and maintained by the City.

Reclaimed Water means effluent (or a combination of effluent and non-potable water) that has been collected in a sanitary sewer for subsequent treatment in a facility which adheres to federal and state water quality control standards (i.e., Arizona Revised Statutes § 45-101 and any successor statutes), to achieve a quality suitable for its intended use.

Reclaimed Water Delivery means City service to provide reclaimed water for, but not limited to, commercial, recreational and landscaping purposes and recharge.

Reclaimed Water Distribution System means the network of public reclaimed waterlines, pumping and booster stations, storage facilities and related equipment/appurtenance, which compose the basic grid and distribution system for reclaimed water service to the point of delivery for reclaimed water.

Reclaimed Water Service Line means an approved type of pipe carrying reclaimed water from the public reclaimed waterline to the point of delivery.

Reclaimed Water Use Service Agreement means a separate written agreement between the City and a City reclaimed water customer, which is not part of any development agreement and that governs the delivery of reclaimed water by the City. It is an implied condition of every reclaimed water service agreement that all of the provisions of this code pertaining to reclaimed water and any failure to deliver reclaimed water because there is inadequate availability of reclaimed water for any priority customer is not a breach of the reclaimed water use service agreement.

Turf means an area of land, which is planted primarily with plants other than low water using plants.

Utilities or Utility means water and wastewater services provided by the city and all lines and facilities related to the provision, distribution, collection, transmission, or disposal of water and wastewater, singularly or collectively.

Utilities Director means the Director of the Public Works – Utilities Department, or their authorized deputy, agent, designee or representative.

Water means any water (i.e., clear, colorless, nearly odorless and tasteless liquid), from the City's public water distribution system including reclaimed water from the City's reclaimed water distribution system or untreated Central Arizona Project water from City facilities.

Water Deficiency means any or all of the following: (1) the use of the water supply and delivery system has approached a level that exceeds the City's ability to provide a supply of water to each customer within a pressure zone or throughout the City or where the available supplies of ground

water or surface water delivered to the City are reduced; or (2) the general welfare requires that the water resources available to the City be put to the maximum beneficial use, or unreasonable method of use of water be prevented, and the conservation of such water is to be extended with a look at the reasonable and beneficial use thereof in the interests of the City and for the public welfare. A water deficiency shall be designated a Stage 1 (Water Watch), Stage 2 (Water Alert), Stage 3 (Water Warning), or Stage 4 (Water Emergency).

Water Distribution Main means water pipelines, which are generally between eight (8) inches and sixteen (16) inches in diameter, are considered part of the local water delivery system, and may be tapped for individual service connections to properties.

Water Transmission Main means water pipelines, which are generally greater than sixteen (16) inches in diameter, are considered part of the regional water delivery system, and are not permitted to be tapped for individual service connection.
(Code 1977, §12-5-15(e))
(Ord. No. 98-115, 1/5/99, Amended)
(Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-1; enacted new Section 25-1) SUPP 2007-4
(Ord. No. 08-25, 12/02/08, Amended Sec. 25-1) SUPP 2008-4
(Ord. No. 2010-35, 12/07/2010, Amended) SUPP 2010-4

Sec. 25-2. Water; code part of water service contract.

The provisions of this code shall be a part of the contract of every customer taking water service from the City and such customer taking water service shall be considered as having expressly consented to be bound thereby.
(Ord. No. 91-07, 2/13/91)
(Ord. No. 98-115, 1/5/99, Repealed)
(Ord. No. 98-115, 1/5/99, Sec. 25-6 renumbered to Sec 25-2)
(Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-2; enacted new Section 25-2) SUPP 2007-4

Sec. 25-3. Water; applicability.

This Chapter shall not be construed to invalidate or prohibit the enforcement of any agreement entered into prior to the effective date of this Chapter. All such agreements shall be administered in accordance with the provisions of this Chapter.
(Ord. No. 91-07, 2/13/91)
(Ord. No. 98-115, 1/5/99, Amended)
(Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-3; enacted new Section 25-3) SUPP 2007-4

Sec. 25-4. Water; liability of City limited.

(a) No liability shall attach to the City for any injury or damage that may result from turning on or shutting off the water in any main, service connection, or pipe; or the restriction of use or discontinuance of any water service, or any failure of the water supply, regardless of any notice or lack of notice thereof. The City shall not be held liable, in any respect, for the conditions, defects, failures, or use of any pipe, connection, fixture, or appurtenance, not belonging to the City, on any

customer's (or non-customer's) property, or for loss or damage resulting therefrom.

(b) The City shall not be responsible for any interruption of water service caused by reasons beyond its control.
(Ord. No. 91-07, 2/13/91)

(Ord. No. 98-115, 1/5/99, Amended)
(Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-4; enacted new Section 25-4) SUPP 2007-4

Sec. 25-5. Water; turn offs and turn ons.

The charge for each turn off and each turn on of water service for reasons other than change of occupancy shall be made in an amount in accordance with this code.
(Code 1977, art. 13-9)
(Ord. No. 92-03, 2/11/92, Renumbered)
(Ord. No. 98-115, 1/5/99, Amended)
(Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-5; enacted new Section 25-5) SUPP 2007-4

Sec. 25-6. Water; customer responsibility.

The customer shall have complete responsibility for the installation and maintenance of adequate water facilities on their property and the City shall not in any way be responsible for the installation, maintenance, inspection, or damage of such facilities or damage caused by any defect in such facilities on the customer's property. The customer shall be responsible for such facilities from the customer side of the meter to the home. Such facilities shall be maintained by the customer in full compliance with all rules and regulations of the City in addition to applicable state statutes.
(Code 1977, §§ 13-8-1, 13-8-2)
(Ord. No. 92-03, 2/11/92, Renumbered)
(Ord. No. 98-115, 1/5/99, Renumbered to Sec. 25-2)
(Ord. No. 98-115, 1/5/99, Renumbered Sec. 25-12 to Sec. 25-6)
(Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-6; enacted new Section 25-6) SUPP 2007-4

Sec. 25-7. Water; customer negligence

(a) Any damage to the City water system or injury to City employees caused by any customer and which requires any repairs, replacements or damages, the cost of such repairs, replacements or damages, together with a twenty percent (20%) administrative fee shall be added to that customer's bill, and if such charges are not paid, water service may be discontinued.

(b) The customer shall be responsible for providing the City or its designee with access upon the property for the purpose of reading the meter and maintaining the City's utility services. Should the customer fail to maintain their property in such a manner as to provide access to the meter for reading purposes and maintenance of the utility system, an administrative fee equal to twenty percent (20%) of the most recent utility service bill may be imposed to cover the cost of special trips to complete the reading of the meter.

Charter reference(s) -- Water fee authorized, art. I, § 3(9).

Cross reference(s) -- Park development fees, §18-36 et seq.; sewer expansion fees, § 25-95. Development fees, A.R.S. §§ 9-463.05, 9-499.01.
(Code 1977, §§ 13-11-1 through 13-11-5)
(Ord. No. 92-03, 2/11/92, Renumbered)

(Ord. No. 99-96, 9/1/99, Repealed existing Section 25-7 Enacted new Section 25-7)
SUPP 1999-3
(Ord. No. 01-162, 10/2/01, Amended Table 25-7)
(Ord. No. 04-09, 02/03/04, Amended Table 25-7) SUPP 2004-1
(Ord. No. 05-65, 11/15/05, Amended Table 25-7) SUPP 2005-4
(Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-7; enacted new Section 25-7) SUPP 2007-4

Sec. 25-8. Water; inspections.

(a) Authorized officers and employees of the City may inspect the property or buildings of any water customer for the purpose of examining the condition of all pipes, motors, meters and fixtures, or the manner in which the water is used or any violation of the purpose or provisions of this code and of any other law or standard affecting water use.

(b) Authorized City personnel may enter any building or property at a reasonable time (whenever necessary) to inspect the building or property, or to perform any duty authorized by this code, for the purpose of making an inspection to enforce any of the provisions of this code, or whenever the City has reasonable cause to believe that there exists in any building or upon any property any condition that makes such building or property unsafe due to violations under this code; provided that if such building or property is occupied, the authorized City personnel shall first present proper credentials and request entry; and if such building or property is unoccupied, the City shall first make a reasonable effort to locate the owner or other persons having charge or control of such building and request entry. If such entry is refused, the City shall have recourse to every remedy provided by law to secure entry.

(c) If the owner or occupant denies entry, the authorized City personnel may obtain a proper inspection warrant or other remedy provided by law to secure entry. Owners, occupants or any other person having charge, care or control of any building or property shall, after proper request is made as provided herein, promptly permit entry therein by the City for the purpose of inspection and examination pursuant to this code.

(d) If the City determines that a violation of this code exists on the property, the City may turn off water service to the property until such violation is corrected, depending on the magnitude of the violation.
(Code 1977, §§13-12-1 through 13-12-6)
(Ord. No. 92-03, 2/11/92, Renumbered)
(Ord. No. 98-115, 1/5/99, Renumbered to Sec. 25-12)
(Ord. No. 07-37, 11/20/07, Enacted new Section 25-8) SUPP 2007-4

Sec. 25-9. Water; liability for damage.

Any expense caused to the City for the repair or replacement of damaged, stolen, tampered with or misused water facilities, including administrative and processing charges, shall be charged against and collected from the customer or person who caused the expense in an amount as established in this code. Unless authorized by the Utilities Director, all work (i.e., restoration, repair, etc.) shall be performed by City personnel.
(Code 1977, §§ 13-2-1 through 13-2-3)
(Ord. No. 90-05, 2-13-90)
(Ord. No. 92-03, 2/11/92, Renumbered)
(Ord. No. 98-115, 1/5/99, Repealed)
(Ord. No. 07-37, 11/20/07, Enacted new Section 25-9) SUPP 2007-4

Sec. 25-10. Water; unauthorized shutdown of water mains

(a) Only authorized City personnel shall operate water valves or perform other work for the shutdown of the City water mains. Except as otherwise provided in this Chapter, no customer or person shall shutdown or reopen any City water mains.

(b) If a customer or person seeks a scheduled shutdown of a City water main, other than as provided in subsection (c) of this section, they shall make such shutdown request in writing, at least ten days prior to the contemplated shutdown, to the City's Utilities Department to accomplish such shutdown. The City shall provide City personnel to accomplish the shutdown if, in the Utilities Department’s sole discretion, personnel will be available to perform such shutdown. If City personnel cannot be available when requested, an alternative time shall be established by agreement between the City and the customer or person when, in the sole discretion of the Utilities Department, personnel are deemed to be available. The reopening of the water main by the City shall be accomplished in the same manner as the shutdown.

(c) Any request for a scheduled shutdown shall contain a schedule indicating the time and date of the proposed shutdown, its main location and point of shutdown and the contemplated time and date of the reopening of the water main.

(d) The customer or person causing a break in any City water line shall immediately notify the City's Utility Department of the time, date and location of such break together with any other information the City may request in relation to such break. Only City personnel may place the closed valve back in service. Any costs to the City arising from such break including, but not limited to, the repair thereof and the opening or closing of necessary valves shall be paid by the customer or persons causing the break.

(e) Any customer or person violating this section shall be subject to the imposition of a Civil Sanction by the Utilities Director in an amount not less than Two Hundred Fifty Dollars ($250.00) and not more than One Thousand Dollars ($1,000.00). Each day that a violation occurs shall be deemed a separate violation for purposes of this section and shall subject the customer or person to a separate Civil Sanction in the amount provided by this section.
(Code 1977, § 13-7-3)
(Ord. No. 92-03, 2/11/92, Renumbered)
(Ord. No. 98-115, 1/5/99, Amended)

(Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-10, Enacted new Sec. 25-10) SUPP 2007-4
(Ord. No. 08-35, 12/02/08, Amended Sec. 25-10) SUPP 2008-4

Sec. 25-11. Water; prevention of cross-connection or backflow.

The city shall refuse to provide service or connection to the public water system operated by the city, unless the lines or piping are installed on the premises so as to prevent cross-connections or backflow in accordance with the provisions of Chapter 5 of this Code.
(Code 1977, § 13-7-4)
(Ord. No. 92-03, 2/11/92, Renumbered)
(Ord. No. 98-115, 1/5/99, Amended)

Sec. 25-12. Water; protection of, access to City property Water, service main extensions.

(a) It shall be the responsibility of the customer to provide proper protection for City property placed on their property and shall only permit access to such City property on their property to authorized representatives of the City.

(b) It shall be the responsibility of the customer to maintain the area surrounding the City property placed on their property for utility service in a manner that will provide access to authorized City representatives.
(Code 1977, § 13-7-5)
(Ord. No. 92-03, 2/11/92, Renumbered)
(Ord. No. 98-115, 1/5/99, Renumbered to Sec. 25-6)
(Ord. No. 98-115, 1/5/99, Renumbered from Sec. 25-8)
(Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-12, Enacted new Sec. 25-12) SUPP 2007-4

Sec. 25-13. Water; customer to provide rights-of-way, easements, etc. Water, main extensions; definitions.

Prior to the approval of a minor land division, an individual lot, a final subdivision plat or issuance of a building permit, each person developing a parcel shall provide to the City such easements and rights-of-way as are necessary in the determination of the City to provide water connections to the meter for water and/or such other points as may be required pursuant to the determination of the Utilities Director and City Engineer.
(Ord. No. 92-03, 2/11/92, Enacted)
(Ord. No. 98-115, 1/5/99, Amended (b))
(Ord. No. 02-41, 6/7/02, amended) SUPP 2002-2
(Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-13, Enacted new Sec. 25-13) SUPP 2007-4

Sec. 25-14. Water and Wastewater; payment of development fees over time.

(a) If a person who is requesting to commencement of utility services is obligated to pay water or wastewater development fees required by Chapter 25 of this Code, the person may submit a written request to the Finance Director to pay the fees over time.

(b) The Finance Director shall consider the following criteria in determining whether to grant a request to pay a water or wastewater development fee over time:

(1) The requestor's financial ability (or inability) to pay the fee.

(2) The number of connections provided by the utility service shall be no more than three.

(3) The payment schedule must be in the best interests of the City.

(4) The Payment Schedule shall be no longer than 12 months.

(5) To secure payment of the fees, the person must be willing to execute and record a deed of trust for the person's property on behalf of the City.

(c) The Finance Department shall adopt an administrative procedure that addresses the review, approval, and implementation of such requests.
(Ord. No. 92-03, 2/11/92, Enacted)
(Ord. No. 98-115, 1/5/99, Amended)
(Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-14) SUPP 2007-4
(Ord. No. 2010-01, 01/19/2010, Enacted) SUPP 2010-01

Sec. 25-15. Reserved.
(Ord. No. 92-03, 2/11/92, Enacted)
(Ord. No. 98-115, 1/5/99, Amended)
(Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-15) SUPP 2007-4

Sec. 25-16. Reserved.
(Ord. No. 92-03, 2/11/92, Enacted)
(Ord. No. 98-115, 1/5/99, Amended (b),(c),(d) and (f))
(Ord. No. 02-41, 6/7/02, amended) SUPP 2002-2
(Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-16) SUPP 2007-4

Main Extensions and Construction (Service Connections)

Sec. 25-17. Water; distribution main extensions.

(a) If it becomes necessary to extend water mains from a distant point in order to serve a new development, the cost of the main extension will be the responsibility of the developer. The developer shall be responsible to construct at a minimum a sixteen (16) inch diameter line on section lines, streets, and arterials, and on mid-section lines streets or other such streets (generally half-mile intervals) twelve (12) inch diameter lines will be required.

(b) The plans and specifications for the approach main must be approved by the City Engineer.
(Ord. No. 92-03, 2/11/92, Enacted)
(Ord. No. 98-115, 1/5/99, Amended (a),(b),(c) and (d))
(Ord. No. 02-41, 6/7/02, amended) SUPP 2002-2
(Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-17, Enacted new Sec. 25-17) SUPP 2007-4
(Ord. No. 08-35, 12/02/08, Amended Sec. 25-17) SUPP 2008-4

Sec. 25-18. Water; main extensions, requirements.

If the City determines that the extension of water mains to undeveloped areas is in the public interest, then all such extensions shall comply with the provisions of this Chapter and Chapter 23 of the City code.

(a) The property owner must pay all costs for constructing mains of such sizes as to afford adequate service during peak demands for the entire area to be served by the extension main.

(b) The Utilities Director shall establish the minimum water pressure and water delivery requirements for fire protection and peak daily service, which must be met.

(c) The property owner's engineer shall submit (i.e., recommend) for the Utilities Director approval the required size and layout of public water mains that will meet domestic water needs and fire flow requirements as required by this code. The final decision on size and layout of public water mains shall be solely that of the Utilities Director.

(d) The field engineering, plans and specifications required shall be prepared by the developer and approved by the City Engineer or their designee prior to construction. The engineering costs for preparation of plans and staking of the water main extensions on the property which are incurred by the property owner, may be included in the agreed construction costs as

determined by the City Engineer and as provided in this section. The City shall perform the inspections during construction.

(e) Where booster pumps are necessary to maintain adequate pressures in the mains due to the development being near or above the hydraulic gradient of the distribution system of the City service area, the property owner shall construct at their own expense the necessary booster pumping station and storage facilities to City specifications. If the booster pump facility provides pressure for more than a single residential lot, the City will assume ownership and operation of such installations upon their completion and acceptance by the City. If the booster pump facility provides pressure for a single residential lot, the property owner shall be solely responsible to operate and maintain the facility after it is approved by the City for operation.

(f) The City may require the construction of the water main extension to meet additional specifications and requirements if such is determined to be in the best interest of the City and necessary to protect the public health, safety and welfare.

State Law Reference. A.R.S. §48-701.

(Ord. No. 92-03, 2/11/92, Enacted)
(Ord. No. 98-115, 1/5/99, Amended)
(Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-18, Enacted new Sec. 25-18) SUPP 2007-4
(Ord. No. 08-35, 12/02/08, Amended Sec. 25-18) SUPP 2008-4

Sec. 25-19. Water; main extensions; subdivisions, single lots, sub lot developments and all other developments.

(a) Where the City is to provide water service to and for all new subdivisions, single lot development, and all other developments other than a single residence on a single lot, the property owner shall furnish and install in accordance with plans approved by the City Engineer, all water mains, service connections, valves, fittings and appurtenances within the boundary of the development as well as the streets bounding the entire development. In addition, the property owner shall furnish and install all off-site water mains as necessary to complete a looped connection to existing City water mains as determined by the City.

(b) The City's water system standards shall be defined in accordance with this Chapter. All development in the City’s water service area must conform with the City Water Master Plan, the approved Water System Analysis for the development, the City Development Guidelines, the Maricopa County Association of Government Standards and the development plans and specifications approved by the City Engineer.

(c) For development primarily residential in character, sixteen (16) inch diameter lines shall be provided on section line streets or arterials, (generally one-mile intervals), twelve (12) inch diameter lines shall be provided on mid-section line streets or other such streets, (generally half-mile intervals). The minimum size of mains installed by the developer on interior streets shall be eight (8) inch diameter. The Utilities Director shall require larger size mains to meet the needs of all developments to be served by the extension, including minimum fire flow requirements, as determined by the current Water Master Plan.

(d) Fire hydrants, valves, pipes and fittings required for hydrant installation shall be installed by the property owner in accordance with plans approved by the City.

(e) Where no water main is existing along the frontage of a single existing residential lot zoned for single family use, and the property owner of the single lot requests water service, sufficient length of main shall be constructed by the property owner to extend the new main from an existing water main and across the entire lot frontage.

(f) The service connections installed by the property owner's contractor shall be guaranteed against any and all defects by the property owner for a period of one (1) year after the City's acceptance of the installations.

(Ord. No. 92-03, 2/11/92, Enacted)
(Ord. No. 98-115, 1/5/99, Amended (b),(d) and (f))
(Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-19; Enacted new Sec. 25-19) SUPP 2007-4
(Ord. No. 08-35, 12/02/09, Amended Sec. 25-19) SUPP 2008-4

Sec. 25-20. Water; minimum supply requirements; connection with water system.

(a) As the City complies with the mandate of the State to convert from groundwater mining to renewable water sources, the City becomes subject to such renewable supplies being interrupted, reduced or unavailable. Therefore, the City requires all new development to provide to the City a redundant (back-up) water supply source. The purpose of requiring a redundant (back-up) water supply source is to ensure reliable water delivery to municipal customers in the event of an interruption, reduction, unavailability or other partial or total failure of the primary water source. A redundant (back-up) water supply source shall meet the following requirements:

(1) The redundant supply shall be hydrologically separate and distinct from the primary supply of water.

(2) The property owner shall submit to the City a water plan for approval by the City prior to the start of development that provides a sufficient redundant water supply source. It shall be the sole determination and discretion of the Utilities Director to determine if the water plan meets the requirements of this section.

(b) All development within the City's water service area and within a quarter of a mile (i.e., 1320 feet) from a City water line is required to connect to the City's water system. The extension of a City water line and the connection to the City's water line will be constructed in accordance with City standards, City approved plans and the sole financial responsibility of the developer and/or customer. The connection to the City's water system and the extension of the water line are a condition of issuance of a building permit. The Utilities Director will have discretion to allow variances to this requirement for single lot developments if such development is on a major arterial road or if the connection is determined not be feasible.

State Law Reference. A.R.S. §34-201.

(Ord. No. 92-03, 2/11/92, Enacted)
(Ord. No. 98-115. 1/5/99, Amended (a)
(Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-20; Enacted new Sec. 25-20) SUPP 2007-4
(Ord. No. 08-35, 12/02/08, Amended 25-20) SUPP 2008-4

Sec. 25-21. Water; extensions, construction; ownership and maintenance.

(a) The extension of water mains and service connections shall be constructed in strict accordance with plans approved by City and all review fees shall be paid as provided in the City code. Main extensions and service connections shall be maintained by the Utilities Department up to and including the customer's meter and shall be operated by the City as part of the distribution system. The City shall exercise complete control over such extensions upon completion and the property owner shall relinquish all responsible for the extension and rights to or interest in the ownership of the extension to the City. The property owner may request and/or the Utilities Director may authorize additions to or variances from the standards and specifications, if the Utilities Director determines such variance or addition is in the best interest of the City and the public health, safety and welfare. All such additions or variances shall be in writing and shall be approved by the Utilities Director.

(b) The ownership of all extensions and service connections, upon acceptance by the Utilities Director shall be vested in the City.

(c) All decisions of the Utilities Director under this section may be appealed to the City Manager or their designee. The appeal shall be in writing and shall specify the specific decision of the Utilities Director, which is being appealed and the specific relief being requested. The decision of the City Manager or their designee shall be final.
(Ord. No. 92-03, 2/11/92, Enacted)
(Ord. No. 98-115, 1/5/99, Amended)
(Ord. No. 02-41, 6/7/02, amended) SUPP 2002-2
(Ord. No. 02-42, 6/7/02 Amended) SUPP 2002-2
(Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-21; Enacted new Sec. 25-21) SUPP 2007-4

Sec. 25-22. Water; construction water access. Applicability.

Any customer requesting construction water shall file/complete an application with the City Customer Service Center. The request to use water for construction shall be filed prior to any water being used for construction. The City Finance Department will prepare a separate billing for each service connection used to supply water for construction, if such request has been approved.

(a) Requests for construction water access shall include a water use summary with the following information: (1) location of project, (2) duration of requested water access, (3) estimate of daily water usage, and (4) estimate of total water usage. The water use summary shall be reviewed by the Utilities Director who reserves the right of denial for any construction water access or termination of use of construction water for any inappropriate use of construction water. Upon approval, access to the City water distribution system shall be provided only at those locations approved by the Utilities Director. The Utilities Director shall have the authority to limit access to construction water to certain dates and times under any permit issued or limit or suspend entirely access to construction water.

(b) City owned hydrants shall be metered for all construction water sold by the City.

Any customer or property owner who has obtained potable, recharged, reclaimed or other water owned by the City that has not passed through a meter, or City approved calculating method, shall be subject to imposition of a Civil Sanction by the Utilities Director in the amount of One Thousand Dollars ($1,000.00) in accordance with the provisions of this Chapter. Each day such a violation occurs shall be deemed a separate violation for purposes of this section and shall subject the property owner to a separate Civil Sanction in the amount provided by this section.

(c) It shall be a violation of any construction water access approval and a violation of this code to open or operate any fire hydrant without the appropriate backflow device and meter or to draw or to attempt to draw, injure, damage or tamper with a fire hydrant. Authorization to utilize a fire hydrant shall be granted by the Utilities Director. Operation of hydrant turn nuts shall only be completed by authorized City personnel. In addition to the other provisions of this section, the Utilities Director may immediately revoke the approval for construction water use and remove the meter and all equipment accessing the City system and charge the property owner for the expense of such removal, together with an administrative fee of twenty percent (20%).

(d) For each service connection used to supply water for construction, there shall be a minimum charge in an amount as set forth in this code. The minimum charge shall not be construed as a monthly minimum, but shall apply as a minimum for the initial one hundred twenty (120) days of the construction period. After the initial period, monthly minimums shall apply.

(e) At the time a customer or property owner submits a request/application for construction water access, the customer or property owner shall be required to prepay the minimum billing for each connection. The customer or property owner will be held responsible for all water used from the date the construction water access permit is issued until there is a change of ownership. The property owner will be required to submit in writing to the City Finance Department, the name of any new property owner, the correct street address and the date of the change in ownership. When this information is provided, a final billing will be prepared. In no event will any portion of the minimum billing be refundable and any charge in excess of the minimum will be billed to the property owner.

(f) For each service connection for which construction water access is being requested (and approval has been issued), the customer or property owner shall have on file a completed City Customer Service Center Hydrant Meter Account Information application.
(Ord. No. 92-03, 2/11/92, Enacted)
(Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-22; Enacted new Sec. 25-22) SUPP 2007-4

Sec. 25-23. Water; fire hydrants inside City in areas served by private water companies.

In any new development, other than the construction of a single family residence, which is located in the service area of a private water company within the City, the owner/developer shall furnish and install fire hydrants in accordance with City specifications and standards at locations designated by the City. The installation of hydrants, including all valves and appurtenances shall be at the expense of the property owner.
(Ord. No. 92-03, 2/11/92)
(Ord. No. 07-37, 11/20/07, Repealed Sec. 25-23 Reserved; Enacted new Sec. 25-23) SUPP 2007-4

Sec. 25-24. Reserved.
(Code 1977, § 13-4-1)
(Ord. No. 98-115, 1/5/99, Repealed)
(Ord. No. 98-115, 1/5/99, Renumbered Sec. 25-26 to Sec. 25-24)
(Ord. No. 07-37, 11/20/07, Repealed Existing Sec. 25-24; Reserved new Sec. 25-24) SUPP 2007-4

Meters

Sec. 25-25. Water; meters. Water; violations; civil sanctions.

(a) All water sold by the City shall be metered by meters which shall be owned and maintained by the City.

(b) The City may install a water meter on the property line or on the customer's property in such location as deemed necessary and which is conveniently accessible by a meter reader.

(c) Water meter installation fees shall be paid to the City in an amount in accordance with this code.

(d) Any obstruction, alteration or tampering with City owned meters by an individual other than authorized City personnel shall be subject to a Civil Sanction not to exceed One Thousand Dollars, ($1,000.00) for the first occurrence assessed by the Utilities Director in the manner provided by this Chapter. Each day such a violation occurs shall be deemed a separate violation for purposes of this section and shall subject the individual to a separate Civil Sanction in the amount provided by this section. Additional fees may also be assessed for tampering or damaging the water meter and/or appurtenance City property.
(Code 1977, § 13-4-2)
(Ord. No. 98-115, 1/5/99, Repealed)
(Ord. No. 98-115, 1/5/99, Enacted)
(Ord. No. 07-37, 11/20/07, Repealed Existing Sec. 25-25; Enacted new Sec. 25-25) SUPP 2007-4

Sec. 25-26. Water; location of meters.

(a) Water pipes and equipment belonging to the customer shall be so arranged to permit the placing of a single water meter for that property convenient to the City. If the water pipes and equipment belonging to the customer are not arranged to permit such placement of a meter, and additional meters are required, each such additional meter shall be considered as an additional account and shall be billed as such.

(b) When two (2) or more meters are installed on the same property for different customers, they shall be closely grouped and each meter shall be clearly marked and maintained by the property owner, as to the customer to whom it belongs. However, no one meter shall serve more than one single family dwelling unit.

(c) If a meter reading cannot be taken, a bill may be prepared by the City in an amount based on the average monthly billing of the previous three (3) months.
(Code 1977, §§ 13-13-1, 13-13-2)
(Ord. No. 98-115, 1/5/99, Renumbered to Sec. 25-24)
(Ord. No. 07-37, 11/20/07, Repealed Reserved Sec. 25-26; Enacted new Sec. 25-26) SUPP 2007-4

Sec. 25-27. Water; testing meter accuracy.

Any customer may, upon written application accompanied by a deposit in an amount in accordance with this code, have their meter tested for accuracy by the City. If the meter registers a divergence from accuracy greater than three (3) percent, the deposit shall be refunded to the customer and the indicated adjustment made in the water service charges for a total period not longer than the current period and the monthly period immediately preceding. If a tested meter registers within three (3) percent of accuracy, the deposit shall be retained by the City as a fee to pay for the cost of the test. All inaccurate and defective meters shall be replaced by the City immediately when detected.

The charge for each turn off and each turn on of water service for reasons other than change of occupancy shall be made in amount included in the water rate schedule.
(Code 1977, § 13-5-5)
(Ord. No. 07-37, 11/20/07, Repealed Existing Sec. 25-27; Enacted new Sec. 25-27) SUPP 2007-4

Sec. 25-28. Reserved.
(Code 1977, §§ 13-10-1, 13-10-2)
(Ord. 98-115, 1/5/99, (c), (d) and (e) repealed)
(Ord. No. 07-37, 11/20/07, Repealed Existing Sec. 25-28; Reserve new Sec. 25-28) SUPP 2007-4

Deposits, Rates, Billing Procedures and Miscellaneous Charges

Sec. 25-29. Water; rate schedules, generally.

The City Council shall by resolution adopt a rate schedule setting the rates to be charged for water services provided by the City. Service for a time period less than one (1) month shall be prorated. The City shall commence service charges for a customer when the water meter is installed and the connection is made, regardless of whether water passes through the meter or otherwise.
(Code 1977, §13-7-1)
(Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-29; Enacted new Sec. 25-29) SUPP 2007-4

Sec. 25-30. Water; reclaimed and Non-Potable Water Use; rate.

The use of reclaimed or non-potable water instead of potable water in certain circumstances and for certain uses is an important element in water resource management in the City. Rate setting for reclaimed and non-potable water shall be in accordance with the following:

The City Council shall by resolution adopt a rate schedules setting the rates to be charged for reclaimed water service provided by the City and non-potable water service provided by the City. Both reclaimed water service and non-potable water service for a time period less than one (1) month shall be charged at the minimum monthly rate. The City shall commence service charges for a customer when a water meter is installed and the connection is made regardless of whether reclaimed or non-potable water passes through the meter or not.
(Code 1977, §13-7-2)
(Ord. No. 98-115, 1/5/99, Amended (a) and added (b))
(Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-30; Enacted new Sec. 25-30) SUPP 2007-4
(Ord. No. 08-35, 12/02/08, Amended Sec. 25-30) SUPP 2008-4

Sec. 25-31. Water; system development fee.

(a) For each dwelling unit and commercial, industrial and institutional unit connected to the City's water supply system a water system development fee shall be charged.

(b) The water system development fee shall be charged in accordance with Table 25-31 of this Chapter.

See Table 25-31 Water System Development Fee .

(c) The fee shall be used to offset costs to the City associated with providing for the

expansion of the City's public water supply system for the purpose of providing necessary services to the units against which the fee is charged. Such expansion to the City's public water system shall include, but not be limited to, acquisition and construction of well sites, water treatment facilities and drilling and equipping wells, booster pumps, storage tanks, water transmission mains larger than sixteen (16) inches in diameter, debt service and other expenses or improvements related to the public water supply system.

(d) The water system development fee shall become due and payable to the City at the time the building permit is issued for the unit, commercial or industrial project that will be connected to the public water supply system. For spaces in a mobile home or travel trailer park or multi-family attached housing, the water system development fee shall be due and payable for all the units at the time the first building permit is obtained for the construction of the project. For other situations, the water system development fee shall be due and payable as follows:

(1) For an existing property within the City not connected to the public water distribution system requesting to connect to the public water distribution system, the water system development fee shall be due after City approval of the connection (if approved) or

(2) For a property outside of the City not connected to the public water distribution system requesting to connect to the public water distribution system, the water system development fee shall be due after City approval of the connection (if approved pursuant to City Council policy).

(e) A separate fund shall be kept and maintained for the water system development fees into which the moneys collected from developments shall be deposited and accounted for. The fees deposited to each such account shall be used only for uses provided for in this section and result in a beneficial use to development. The moneys in the separate account may be used by the City for the uses contemplated by this section without regard to the status of such improvements, facilities or work to be performed as long as such expenditures result in a beneficial use to the development from which they were collected.
(Code 1977, §13-7-6)(Ord. No. 98-115, 1/5/99, Repealed)
(Ord. No. 98-115, 1/5/99, Renumbered from Sec. 25-51)
(Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-31; Enacted new Sec. 25-31) SUPP 2007-4
(Ord. No. 07-45, 12/18/07, Amended Table 25-31) SUPP 2007-4
(Ord. No 08-35, 12/02/08, Amended 25-31) SUPP 2008-4

Sec. 25-32. Water; resource development fee.

(a) For each dwelling unit and commercial, industrial and institutional unit connected to the City’s water supply system in areas designated as subject to this fee, a water resources development fee shall be charged.

(b) The water resources development fee shall be charged in all areas of the City not included within the Salt River Valley Water Users Association Reclamation Project and generally consisting of all areas north of the Arizona Canal and Skunk Creek and west of New River.

See Table 25-32 Water Resource Development Fee

(c) The fee shall be used to offset costs to the City associated with providing for the acquisition of additional water resources for municipal and industrial uses, including acquisition by lease or purchase of additional Central Arizona Project Allocation; groundwater storage and recharge for the purpose of earning storage credits from the Arizona Department of Water

Resources; development of effluent and water reuse, reclamation and storage facilities and related expansion of the City's water resources.
(Code 1977, §13-7-8)
(Ord. No. 98-115, 1/5/99, Amended)
(Ord. 03-156, 7/1/03, Receded "Water; emergency declaration; ratification; restrictions; public notice." Adopted and Amended, "City of Peoria Drought Contingency Plan Management Procedure") SUPP 2003-3
(Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-32; Enacted new Sec. 25-32) SUPP 2007-4
(Ord. No. 07-45, 12/18/07, Amended Table 25-32) SUPP 2007-4

Sec. 25-33. Water; agreements; repayment agreements.

(a) The City and a property owner may execute a repayment agreement for certain projects. The project shall be bid in accordance with the provisions pertaining to public works projects contained in Title 34, of the Arizona Revised Statutes. The bids shall be opened at a location designated by the City on a pre-determined date agreeable to the property owner and the City. The City and the property owner reserve the right to reject any or all bids. The construction costs shall be determined prior to the commencement of construction and shall be approved by the City. In the event that the agreed upon construction costs increase, the repayment agreement may be amended upon approval of the additional construction costs by the City.

(b) Upon completion of the project, the water main shall become the property of the City.

(c) Upon entry into a repayment agreement with the City, the property owner may connect into existing City water mains with the approval of the Utilities Director in consideration for their entry into the repayment agreement.

(d) The Utilities Director shall have sole and exclusive control of connections to the proposed water main.

(e) A repayment agreement will assist in establishing a reasonable charge to permit a connection. The connection charge will be made on a cost per frontage foot, using the agreed approach main construction costs and the extent to which new development is adjacent to the water main.

(f) The connection charge will be paid to the City, and the City agrees to repay such amounts to the property owner. Repayments shall be made by the City within sixty (60) days of receipt. The total of such repayments shall not exceed that portion of the agreed construction costs

of the approach main allotted to frontage outside the service area of the property owner. The repayment agreement shall terminate in ten (10) years, or upon the repayment of the total amount in conformance with this Chapter, whichever is earlier. The City shall have the option to provide for repayment to the property owner by allowing a credit against water expansion fees due from the property owner to the City. The connection charge shall be paid into the water expansion fee account.
(Code 1977, § 13-7-9)
(Ord. 98-115, 1/5/99, Amended to add (b), (c) and (d))
(Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-33; Enacted new Sec. 25-33) SUPP 2007-4

Sec. 25-34. Water; repayments; water mains.

(a) This Chapter shall apply where a water main is extended by one property owner and connected to at a later date by one or more additional property owners. A property owner who extends a water main which is sixteen (16) inches in diameter or less and which provides a means of service to property owned by others may enter into an agreement with the City providing for repayment of a portion of the costs when the property abutting the main extensions develops. The project shall be bid in accordance with the provisions pertaining to public works projects contained in Title 34, of the Arizona Revised Statutes. The bids shall be opened at a location designated by the City on a pre-determined date agreeable to the property owner and the City. The City and the property owner reserve the right to reject any or all bids. The construction costs shall be determined prior to the commencement of construction and shall be approved by the City. In the event that the agreed upon construction costs increase, the repayment agreement may be amended upon approval of the additional construction costs by the City.

(b) The City reserves the right to increase the diameter of the approach main above the standards in this Chapter if it deems advisable, but under the condition, that the City will assume the additional cost to increase the diameter of the water main above that which the property owner would incur for the approach main under the standards required by this code.

(c) The final detailed plans and specifications for the water main extension must be approved by the City prior to construction. The engineering costs for the preparation of plans, specifications and staking of the approach main incurred by the property owner may be included in the agreed construction costs as provided for in this section. The costs of distribution mains within the boundary of the project shall not be eligible for repayment.

(d) Agreements must be executed prior to construction of the water main and shall run for a period not to exceed ten (10) years from the date of execution by the City Engineer, who is authorized to execute the agreements in accordance with the provisions of this code. The agreements shall automatically terminate at the end of a ten (10) year period or upon repayment of the total amount possible being repaid, whichever is earlier. The City will not approve and/or execute an agreement after construction or acceptance by the City of the water main. There will be no repayments for buy-in assessments collected prior to receipt of the developer’s request to enter into an agreement.

(e) Repayment will assist in establishing a reasonable charge to permit a connection.

The connection charge will be made on a cost per frontage foot, using the agreed water main construction costs (and the extent to which new development is adjacent to the water main), less the repayment transaction fee established by City Council to cover administrative costs associated with the repayment agreement.

(f) The City Engineer will determine the amount of footage to be reimbursed, and such determination will be made a part of the agreement. Such agreements must be recorded in the office of the Maricopa County Recorder.

(g) The City will make repayments within sixty (60) days of receipt of payment from adjacent property owners. The developer to whom the reimbursement is to be made must be stated on the agreement at the time of execution and it will be the duty of the developer (the individual to whom reimbursement is to be made) to keep the City Engineer advised as to the correct mailing address, etc. for reimbursement. Repayment agreements under this Chapter may be assigned to subsequent property owners of property who purchase or acquire the entire interest of the original property owner who entered into the repayment agreement and in accordance with the specific terms of the repayment agreement.

(h) The City retains and reserves the right (and ability) to enter into separate special agreements to cover unique situations where a standard repayment agreement is not applicable.

(i) Existing water lines, which are greater than sixteen (16) inches in diameter are considered part of the water transmission system and are not part of the water distribution grid. Property owners may be required to construct distribution mains of the required size parallel with such existing transmission system mains. Where existing distribution system mains within a development or along streets bounding the development, are smaller in size than that required by this code, or are otherwise inadequate, the property owner may be required to replace or parallel such mains with those of the required size.
(Code 1977, § 13-7-10)
(Ord. 98-115, 1/5/99. Amended to (b) and (c))
(Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-34; Enacted new Sec. 25-34) SUPP 2007-4

Sec. 25-35. Water; system repair fees.

Any individual, customer, developer, contractor, etc. who damages, cuts, destroys, or causes the need for repair to the City's water distribution system or any part thereof (i.e., mains, service lines, waterlines, etc.) shall be held financially responsible for the cost of the repair. The City shall assess the individual, customer, developer, etc. for the cost of the repair in an amount in accordance with this code.
(Ord. No. 07-37, 11/20/07, Enacted new Sec. 25-35) SUPP 2007-4

Sec. 25-36. Reserved.

Sec. 25-37. Reserved.

Enforcement of Chapter

Sec. 25-38. Water; discharge in violation, adoption of administrative regulations.

The City may establish administrative regulations, forms and rules as deemed appropriate to regulate and prohibit the discharge of water in violation of this Chapter.
(Ord. No. 07-37, 11/20/07, Repealed reserved Sec. 25-38; Enacted new Sec. 25-38) SUPP 2007-4

Sec. 25-39. Water, unlawful discharge, penalties, enforcement.

(a) The City may establish administrative regulations providing for the imposition of Civil Sanctions for violations of this Chapter.

(b) The unlawful discharge of water in violation of this Chapter or any other provision of this code is declared to be a nuisance. The City Attorney, on behalf of the City or any individual affected by the nuisance, may bring a civil action in the municipal court to abate the nuisance.
(Ord. No. 07-37, 11/20/07, Repealed reserved Sec. 25-39; Enacted new Sec. 25-39) SUPP 2007-4

Sec. 25-40. Water; use; penalties.

In addition to any other penalties provided in this Chapter, any individual or customer violating any of the provisions of this Chapter shall be guilty of a class one (1) misdemeanor.
(Ord. No. 07-37, 11/20/07, Repealed reserved Sec. 25-40; Enacted new Sec. 25-40) SUPP 2007-4

Sec. 25-41. Water; violations, civil sanctions.

(a) If the Utilities Director has reasonable cause to find that a violation of this code has occurred, the Utilities Director shall send written notice of the violation to the customer and any other individual on the utility account requesting notice. The notice shall be sent by certified mail within fifteen (15) days after the Utilities Director determines that reasonable cause exists to find that a violation has occurred. The notice shall provide with reasonable particularity the nature of the violation, a statement of the penalties provided in this Chapter for such violation and the steps required to be in compliance with this Chapter (i.e., abate the violation).

(b) An individual or customer shall have fifteen (15) days after receipt of the notice to come into compliance (i.e., correct the violation) pursuant to the provisions set forth in the notice. For each day after the notice is received by the customer until the Utilities Director approves the steps taken by the individual or customer to come into compliance with the provisions of this

Chapter a Civil Sanction shall be assessed of Ten Dollars ($10.00) per day for each violation contained in the notice, not to exceed the maximum Civil Sanction of One Thousand Dollars ($1,000.00) for each violation as provided in this Chapter. Each day such a violation occurs shall be deemed a separate violation for purposes of this section and shall subject the individual or customer to a separate civil sanction in the amount provided by this section.

(c) Should an individual or customer fail to respond to the Utilities Director notice of violation within fifteen (15) days after receiving the notice, the individual or customer shall be liable for a Civil Sanction of Fifty Dollars ($50.00) per day for each violation contained in the notice up to the maximum Civil Sanction of One Thousand Dollars ($1,000.00) for each violation as provided in this Chapter.

(d) If an individual or customer fails to respond to the notice of violation within fifteen (15) days after receipt, the Utilities Director shall issue a compliance order stating with reasonable particularity the nature of the violation, steps required for compliance and the amount of Civil Sanctions which have accrued to date. The Utilities Director at the time of issuance of a compliance order shall impose the maximum Civil Sanction of One Thousand Dollars ($1,000.00) for each violation as provided in this Chapter. However, the same compliance order may address multiple violations arising out of the same set of facts occurring on multiple dates. A copy of the compliance order shall be served on the individual or customer by certified mail. The individual or customer shall have ten (10) days from the date of receipt to request a hearing by filing a notice with the Utilities Director.

(e) The hearing shall be held before a hearing officer appointed by the City for such purpose. All relevant evidence may be admitted, whether admissible under the Arizona Rules of Evidence. The hearing shall be held in the manner provided for State administrative hearings pursuant to Title 41, Chapter 6, of the Arizona Revised Statutes. The hearing officer shall issue a written decision within ten (10) days after the hearing.
(Ord. No. 07-37, 11/20/07, Repealed reserved Sec. 25-41; Enacted new Sec. 25-41) SUPP 2007-4

Sec. 25-42. through 25-45. Reserved.

Sec. 25-46. Reserved.
(Code 1977, §§13-5-1, 13-5-2, 13-5-6, 13-5-7, 13-10-3)
(Ord. No. 07-37, 11/20/07, Repealed Sec. 25-46; Reserved new Sec. 25-46) SUPP 2007-4

Sec. 25-47. Reserved.
(Code 1977, §13-3-1)
(Ord. No. 90-05, 2-13-90)
(Ord. No. 91-12, 5/14/91)
(Ord. No. 96-30, 6/4/96, Repealed, see section 2-405, et.seq. Utility Services)

Sec. 25-48. Reserved.
(Code 1977, §13-3-2)
(Ord. No. 90-05, 2-13-90)
(Ord. No. 96-30, 6/4/96, Repealed, see section 2-405, et.seq. Utility Services)

Sec. 25-49. Reserved.
Charter reference(s) -- Assessments and liens authorized, art. I, § 3(4).
(Code 1977, § 13-5-3)
(Ord. No. 96-30, 6/4/96, Repealed, see section 2-405, et.seq. Utility Services)

Sec. 25-50. Reserved.
(Code 1977, § 13-5-4)
(Ord. No. 98-115, 1/5/99, Repealed)
(Ord. No. 05-23, 4/05/05, Enacted) SUPP 2005-02
(Ord. No. 07-37, 11/20/07, Repealed Sec. 25-50; Reserved new Sec. 25-50) SUPP 2007-4

Sec. 25-51. Reserved.
(Code 1977, § 13-6-1 through 13-6-7)
(Ord. No. 98-115, 1/5/99, Renumbered to Sec. 25-31)
(Ord. No. 05-23, 04/05/05, Enacted) SUPP 2005-02
(Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-51; Reserved new Sec. 25-51) SUPP 2007-4

Sec. 25-52. Reserved.
(Ord. No. 05-23, 04/05/05, Enacted) SUPP 2005-02
(Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-52; Reserved new Sec. 25-52) SUPP 2007-4

Water Conservation and Drought Management Procedures

Sec. 25-53. Water; unnecessary waste, turnoffs, water leaks.

(a) Customers shall prevent unnecessary waste of water and keep all water outlets closed when not in actual use. All water outlets, including those used in conjunction with hydrants, urinals, water closets, bathtubs and other fixtures, shall not be left running for any purpose other than the use for which they were intended. The City may immediately terminate the water supply (i.e., it may be turned off) where any such waste occurs.

(b) Water running off a landscaped area to another area where the water is not beneficially used, such as on to streets, sidewalks, gutters, alleys, public utility easements, public or private parking areas is prohibited.

(c) Customers' shall repair water leaks upon their property within fourteen (14) days after discovery. Failure to repair a water leak shall subject the customer to a civil sanction.

(d) The Utilities Director may impose Civil Sanctions for violations of this Chapter in an amount not less than Two Hundred Fifty Dollars ($250.00) and not more than One Thousand Dollars ($1,000.00). Each day such a violation occurs shall be deemed a separate violation for purposes of this Chapter and shall subject the customer to a separate Civil Sanction in the amount provided by this Chapter.
(Ord. No. 05-23, 04/05/05, Enacted) SUPP 2005-02
(Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-53; Enacted new Sec. 25-53) SUPP 2007-4

Sec. 25-54. Water; City drought contingency plan management procedure.

(a) Scope. There is hereby established the following City Drought Contingency Plan Management Procedure ("Management Procedure"), which establishes policies, rules, duties, penalties, and plan for the City to be implemented during a declared water deficiency. The Management Procedure shall promulgate guidelines, which set forth the criteria for determining when particular regulations with reference to which water deficiency stage is to be implemented and terminated. The City will also adopt a Drought Contingency Plan, which shall include the rules and guidelines, adopted pursuant to this Chapter. Additionally, such plans shall be updated when, in the opinion of the Utilities Director, the conditions of the current plan have changed so as to necessitate such update. The Plan shall be available for inspection at the City Clerk's office, and the City Utilities Department during normal business hours.

(b) Declaration of policy. It is hereby declared that when in the judgment of the City

Manager: (1) the use of the water supply and delivery system has approached a level that exceeds the City's ability to provide a supply of water to each customer within a pressure zone or throughout the City or where the available supplies of ground water or surface water delivered to the City are reduced; or (2) the general welfare requires that the water resources available to the City be put to the maximum beneficial use, or unreasonable method of use of water be prevented, and the conservation of such water is to be extended with a look at the reasonable and beneficial use thereof in the interests of the City and for the public welfare, a water deficiency may be declared. A water deficiency shall be designated a Stage 1 (Water Watch), Stage 2 (Water Alert), Stage 3 (Water Warning), or Stage 4 (Water Emergency). The water deficiency shall continue until the declaration is rescinded by the City Manager or terminated by the City Council in accordance with this Chapter.

Upon designation by the City Manager, the water deficiency shall go into immediate effect. At the next regularly scheduled City Council meeting, a resolution ratifying the deficiency will be placed before the City Council. If the City Council rejects the resolution, the water deficiency will be terminated, otherwise the water deficiency shall continue in effect until terminated by the City Manager.

The surcharges and measures adopted herein are an exercise of the City's police power.

(c) Application. The provisions of this Chapter shall apply to all individuals, customers, and property served by the Utilities Department. Upon the designation of any stage of a water deficiency, the City shall make public announcements that a water deficiency is in effect and the designated stage. The City shall also post a copy of the declaration in each location where public notices of the City are required to be posted.

(d) Stage 1 (Water Watch). Upon the designation of a Stage 1 (Water Watch), the City shall implement the latest Drought Contingency Plan on file in the City Clerk's office that has been approved and made available for public use and inspection. The Water Watch shall trigger a voluntary five percent (5%) reduction goal, except for the City, the City shall be subject to a mandatory five percent (5%) reduction goal. Additionally, such designation shall trigger an intensive public education and information program to assist all City customers (i.e., residential, commercial/industrial, public and government) to understand the nature of the deficiency and the need for voluntary compliance.

(e) Stage 2 (Water Alert). Upon the designation of a Stage 2 (Water Alert), all elements of a Stage 2 water deficiency as described in the Drought Contingency Plan shall become mandatory and be enforced, which may include, in addition to any other remedy available in this Chapter, a water deficiency rate surcharge as declared in this Chapter for the purpose of rationing, aggressive code enforcement and providing adequate revenues to operate the water utility system in accordance with the water deficiency and Drought Contingency Plan adopted by the City Council.

(f) Stage 3 (Water Warning). Upon the designation of a Stage 3 (Water Warning), all elements of a Stage 3 water deficiency as described in the Drought Contingency Plan shall become mandatory and be enforced, which may include, in addition to any other remedy available in this Chapter, a water deficiency rate surcharge as declared in this code for the purpose of rationing, aggressive code enforcement and providing adequate revenues to operate the water utility system in

accordance with the water deficiency and Drought Contingency Plan adopted by the City Council.

(g) Stage 4 (Water Emergency). Upon the designation of a Stage 4 (Water Emergency), all elements of a Stage 4 water deficiency as described in the Drought Contingency Plan shall become mandatory and be enforced, which may include, in addition to any other remedy available in this Chapter, a water deficiency rate surcharge as declared in this code for the purpose of rationing, aggressive code enforcement and providing adequate revenues to operate the water utility system in accordance with the water deficiency and Drought Contingency Plan adopted by the City Council. Additionally, extra measures and or procedures deemed necessary by the City may be instituted to protect human health and safety and to ensure that the residents of the City shall have the minimum amounts of water necessary for human consumption and use.

(h) Water deficiency rate surcharge. Upon designation of a Stage 2, 3, or 4 water deficiency, the City Manager may declare effective immediately a schedule of water deficiency rate surcharges to provide rationing, aggressive code enforcement and providing adequate revenues to operate the water utility system in accordance with the water deficiency and Drought Contingency Plan adopted by the City Council.

(i) Sanction. It shall be unlawful for any individual, customer, corporation and property served by the Utilities Department to violate the provisions of this section. If and when the City becomes aware of any violation of any regulation pertaining to this section (water use or misuse), a written notice (citation) shall be placed on the property where the violation occurred and a duplicate mailed to the individual who is regularly billed for the service where the violation occurs and to any other individual known to the City who is responsible for the violation or its correction. If such violation is not complied with, the City may disconnect the service where the violation occurs.

Violations of this section shall be subject to the imposition of a Civil Sanction by the Utilities Director in an amount not less than Two Hundred Fifty Dollars ($250.00) and not more than One Thousand Dollars ($1,000.00). Each day such a violation occurs shall be deemed a separate violation for purposes of this section and shall subject the violator to a separate Civil Sanction in the amount provided in this section.

In addition to any other remedies available water service may be disconnected where the violation occurs. A fee, to be established by the Utilities Director, may be imposed for reconnection of any service disconnected pursuant to non-compliance and shall be in addition to other fees or charges imposed by this Chapter for disconnection or reconnection of service.

(j) Severability. If any provision, section, subsection, sentence, clause or phrase of this section, or the application of the same to any individual or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this section shall not be affected. It being the intent of the City Council in adopting this section that no portions, provisions, or regulations contained herein shall become inoperative, or fail by reason of the unconstitutionality of any other provision hereof, and all provisions of this section are declared to be severable for that purpose.

(k) Citations. Code compliance officers/code compliance supervisors of the City are

hereby authorized, empowered and given the duty to enforce provisions of the City code and to issue citations for violations of said code.

(l) Publication of Terms of Water Use. Upon such water deficiency declaration by the City Manager, it shall be the duty of the City Manager to have public notice given by publishing a notice giving the extent, terms and conditions respecting the use and consumption of water, at least once (1) for three (3) consecutive days in the official newspapers of the City. Upon such declaration and publication of such notice, due and proper notice shall be deemed to have been given to each and every consumer supplied with water by the City.
(Ord. No. 05-23, 04/05/05, Enacted) SUPP 2005-02
(Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-54; Enacted new Sec. 25-54) SUPP 2007-4

Sec. 25-55. Reserved.
(Ord. No. 05-23, 04/05/05, Enacted) SUPP 2005-02
(Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-55; Reserved Sec. 25-55) SUPP 2007-4

Sec. 25-56. Reserved.
(Ord. No. 05-23, 04/05/05, Enacted) SUPP 2005-02
(Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-56; Reserved Sec. 25-56) SUPP 2007-4

Sec. 25-57. Reserved.
(Ord. No. 05-23, 04/05/05, Enacted) SUPP 2005-02
(Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-57; Reserved Sec. 25-57) SUPP 2007-4

Sec. 25-58. Reserved.
(Ord. No. 05-23, 04/05/05, Enacted) SUPP 2005-02
(Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-58; Reserved Sec. 25-58) SUPP 2007-4

Sec. 25-59. Reserved.
(Ord. No. 05-23, 04/05/05, Enacted) SUPP 2005-02
(Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-59; Reserved Sec. 25-59) SUPP 2007-4

Sec. 25-60. Reserved.

Reclaimed Water Service.

Sec. 25-61. Water; Reclaimed Water Service; promulgation and enforcement of procedures and regulations. Reserved.

(a) The Utilities Director shall have the authority to promulgate procedures and regulations relative to the City reclaimed water distribution system with respect to the following matters and which procedures and regulations shall become effective in the manner provided by this code:

(1) Application procedures and requirements including execution of a Reclaimed Water Use Service Agreement.

(2) Installation requirements, including specification of acceptable materials, devices and regulations to help prevent backflow or cross-connections with other systems, all of which shall be subject to right-of-way permits and construction procedures approved by the City Engineer. System development requirements, including onsite facilities needed for a customer to receive reclaimed water service from the point of delivery, will not be subject to any reimbursement or refund by the City. A customer must pay all costs to extend the Reclaimed Water Distribution System necessary to serve that customer including onsite and offsite facilities.

(3) Procedures for enforcement of the ordinances and regulations pertaining to reclaimed water including, but not limited to, procedures for inspection of customer's system and requiring appropriate signage pertaining to use of reclaimed water.

(4) Procedures for the orderly expansion of the City reclaimed water distribution system.

(5) Procedures and regulations for the efficient operation of the City reclaimed water distribution system.

(6) The time of day or night during which customers may use reclaimed water.

(7) The maximum rate of use for reclaimed water.

(b) It shall be unlawful for any individual or customer to construct, operate, maintain or allow to remain present on property owned or controlled by them, any device or system that is connected to or that controls a device or system connected to the City's reclaimed water distribution

system that is not in compliance with all provisions of this code related to reclaimed water and with all procedures and regulations promulgated pursuant to this Chapter. In addition to any other Civil Sanctions that may be imposed by law, any individual or customer who owns or controls property upon which a non-complying device or system is found shall be liable to the City for a Civil Sanction of Five Hundred Dollars ($500.00) or the amount by which the costs associated with the securing and/or removal of the non-complying device or system exceeds the cost of a normal discontinuance of service, whichever is greater. This Civil Sanction shall constitute a lien against the property upon which the non-complying device or system is located in the same manner as other unpaid utility fees under this Chapter.
(Ord. No. 07-37, 11/20/07, Repealed reserved Sec. 25-61; Enacted new Sec. 25-61) SUPP 2007-4

Sec. 25-62. Water; Reclaimed Water Service; priority of delivery.

(a) The Utilities Director shall determine, on or before December 1 of each year, the total amount of reclaimed water, which shall be available for the next calendar year, and the minimum quantity of reclaimed water needed to operate the City recharge facilities. The Utilities Director shall first allocate quantities needed to operate all City recharge facilities. The Utilities Director may make such determinations on a service area basis depending on the location of publicly operated treatment works providing reclaimed water. Such determinations (i.e., deductions and priority of delivery) shall be made at the discretion of the Utilities Director.

(b) After making the deductions of reclaimed water needed for City recharge facilities, the Utilities Director at their discretion shall allocate the remaining reclaimed water in the following order of priority:

(1) Priority A. The use of reclaimed water for City recharge facilities (reclaimed water shall first be allocated to completely satisfy all of the City recharge facilities).

(2) Priority B. The use of reclaimed water for City dedicated rights-of-way landscaping, municipal parks and other municipal turf facilities.

(3) Priority C. The use by customers who have a reclaimed water service use agreement with the City for reclaimed water on turf areas or uses required by this Chapter, development agreements with the City requiring the use of reclaimed water and as required by statute.

(4) Priority D. The use by customers who have a reclaimed water service use agreement with the City for reclaimed water on privately maintained landscaping and private turf facilities such as homeowner association parks and common areas, but not including private or public golf courses.

(5) Priority E. The use of reclaimed water by customers who make a request to the City Utilities Department for a single year's delivery of reclaimed water.

(c) Allocation of reclaimed water for Priority C and D will be in order determined by the original execution date of the Reclaimed Water Use Service Agreement with the City (as it may be amended or renewed from time to time) for the Priority.

(d) If the requested allocation from all contracted customers is greater than the quantity of reclaimed water available, but all applicants meet the requirements of paragraphs 3 and (c) or 4

and (c) above, the Utilities Director may allocate the reclaimed water based on contributory flow from the drainage basin or sub basin as solely determined by the Utilities Director.
(Ord. No. 07-37, 11/20/07, Repealed reserved Sec. 25-62; Enacted new Sec. 25-62) SUPP 2007-4

Sec. 25-63. Water; Reclaimed Water Service; use required.

(a) It is the policy of the City to actively work with new and existing large water customers, including golf courses, parks, schools, cemeteries, industrial and multi-family complexes, to provide water service by the City reclaimed water distribution system. Additionally, all new and amendments to existing water and land use plans must evaluate and address the potential for using reclaimed water.

(b) New turf facilities of ten (10) acres or more designed or constructed after May 7th, 2005 and located within a half (1/2) a mile (i.e., 2,640 feet) of a reclaimed water service line, including right-of-way landscaping, whether public or private, parks, retention and detention basins, whether public or private, designated open space, whether public or private and golf course development shall use reclaimed water for irrigation purposes.

(c) Any conditions of interim water use pending access to the City reclaimed water distribution system will be permitted only upon execution of a reclaimed water use service agreements and other appropriate contracts to assure prompt conversion to use of reclaimed water for such specified purposes. Conditions of interim water use may not extend use of potable water for a period longer than permitted by law. These conditions shall include, but not be limited to:

(1) The date by which the City anticipates having its portion of the City reclaimed water distribution system in place, however such date is contingent upon approval and funding within the City's Capital Improvements Program.

(2) Requirements for financial participation by a developer in the construction of a project.

(3) Penalties for non-compliance with interim water use conditions.

(4) A surcharge as established by resolution not to exceed twenty-five percent (25%) of the potable water rate in addition to the regular rates and charges during the period of interim use.

(5) Compliance with City specifications for construction and maintenance of temporary interim water use connections.

(Ord. No. 07-37, 11/20/07, Repealed reserved Sec. 25-63; Enacted new Sec. 25-63) SUPP 2007-4

Sec. 25-64. Water; Reclaimed Water Service; discontinuance of service.

(a) In the event a customer desires to discontinue the use of reclaimed water, the Reclaimed Water Use Service Agreement shall address and govern the compensation to be paid to the City for the remainder of the fiscal year in which such water use is terminated. Upon the termination of the use of reclaimed water by a customer, that customer's allocation will be reallocated to other customers by priority.

(b) Any customer whose reclaimed water system is in violation of any State or County statute, ordinance or regulation or City ordinance, regulation, procedure or permit shall be subject to immediate discontinuance of reclaimed water service. Such discontinuance of service shall not relieve such (former) customer of any liability for civil actions for criminal or municipal ordinance violation prosecution.

(c) The City may suspend or discontinue reclaimed water service to any customer that violates the provisions of this Chapter, including delinquency of any money (i.e., payment, fee, fine, assessment, etc.) owed the City. The procedure for discontinuance shall be as follows:

(1) Where the sole reason for discontinuance of service is delinquency of money owed the City, the matter will be handled as provided in Chapter 2 of this Code.

(2) Where the reason for discontinuance of service is due to a violation of an ordinance or regulation governing the City reclaimed water distribution system (or a reclaimed water service line) or where the violation endangers the health or safety of the public or the customer, discontinuance of service may occur without prior written notice or hearing.

(3) Where the reason for discontinuance is a refusal to permit an inspection being conducted pursuant to this Chapter, neither notice or a hearing shall be required prior to discontinuance of service.

(4) In cases where reclaimed water service has been turned on or a connection made to the City reclaimed water distribution system without authorization from the City, discontinuance of the service shall be immediate. No prior notice or pre-discontinuance hearing shall be required.

(5) Any customer who is found to be in violation of any City ordinance, regulation or procedure governing reclaimed water shall be subject to

immediate discontinuance of reclaimed water service.

(6) A customer whose service has been discontinued for delinquency of money (i.e., payment, fee, assessment, etc.) owed to the City may resume reclaimed water service after paying any past due amounts of money owed to the City and a reconnection fee. For discontinuance for any other reason, the

customer must apply for reclaimed water as a Priority D applicant, unless a new agreement is entered into between the customer and City.

(d) After disconnection of reclaimed water service for violation of any provision of this Chapter, such remaining reclaimed water shall be allocated to other customers having the same Class on a pro-rata basis, unless all needs within the Class are satisfied in full, in which case, it will be allocated to customers in a different Class who request reclaimed water service on a pro-rata basis.

(e) Where service has been disconnected for a violation of an ordinance or regulation regarding reclaimed water, such service shall not be reconnected until the Utilities Director receives adequate assurances and guarantees that such a violation will not recur.
(Ord. No. 07-37, 11/20/07, Repealed reserved Sec. 25-64; Enacted new Sec. 25-64) SUPP 2007-4

Sec. 25-65. Water; Reclaimed Water Service; customer responsibility.

(a) The customer shall provide connections and appurtenances from the point of delivery after approval of the construction specifications (i.e., connections and appurtenances) by the Utilities Department, at the customer's own cost and without reimbursement in any form by the City as set forth in this subsection.

(1) The customer shall be responsible for scheduling an inspection of the connection assembly with the Utilities Department upon completion of the installation.

(2) The customer shall not tamper with or modify or connect any unauthorized hose, fitting or fixtures to the connection assembly.

(3) The customer shall be responsible for all maintenance including equipment, etc. associated with receiving reclaimed water from the point of delivery to the customer's property line and beyond.

(b) The customer shall restrict the use of reclaimed water for such uses as promulgated by the Utilities Director who may take into account the Class level of the user and state law. The customer shall post such signage as determined appropriate by the Utilities Director advising customers of such facilities and the public that reclaimed water is being used on the property.

(c) The customer will not allow the reclaimed water to:

(1) Enter dwelling units for toilet flushing or other potable uses;

(2) Be plumbed for consumption by humans or animals;

(3) Interconnect with another water source;

(4) Sprinkle edible crops or gardens;

(5) Contact humans or animals for recreation;

(6) Flow through unapproved types of connections as determined by the Utilities Director;

(7) Fill swimming pools;

(8) Be resold (i.e., the act of selling reclaimed water again);

(9) Be used for any purpose in violation of regulations promulgated by the Utilities Director governing such use; and

(10) Be used in any way that violates state or federal law.

(d) It shall be unlawful for any individual or customer to tamper with City property to receive reclaimed water in a manner inconsistent with this Chapter.

(e) It shall be unlawful for any individual or customer to interfere in any way with any officer, employee or agent of the City charged with management, construction, operation, inspection, testing or maintenance of the reclaimed water system in the discharge of their duties.

(f) It shall be unlawful for any individual or customer to receive reclaimed water from the City reclaimed water distribution system on any parcel unless the City shall have placed or directed the placing of a reclaimed water meter upon such parcel. It shall be the responsibility of the Utilities Director to approve or decline each application for reclaimed water. The Utilities Director shall direct the type and size of any reclaimed water meter to be installed in the turnout based on the proposed quantity of reclaimed water to be used. It is the responsibility of the customer to pay for the meter, however the meter shall remain the property of the City.
(Ord. No. 07-37, 11/20/07, Repealed Sec. 25-65; Enacted new Sec. 25-65) SUPP 2007-4

Sec. 25-66. Water; Reclaimed Water Service; unauthorized work.

(a) It shall be unlawful for any individual or customer to tamper with, or perform work on the City reclaimed water distribution system or to operate City turnouts to receive reclaimed water unless expressly authorized by the Utilities Director. Tampering or performing work shall include, but is not limited to, opening or closing of valves, turning on hydrants, or the causing of any water to flow from the system. It is also unlawful for any individual or customer, unless authorized by the Utilities Director to:

(1) Cut into or make any improper connection to the City reclaimed water distribution system.

(2) Use any unapproved connector.

(3) Cause or allow their reclaimed water system to have any cross connections (between two or more water supplies), any illegal connections or tie-ins, or any discharge of reclaimed water into the public sewer system.

(4) Let, rent, or resale to any other party or property any part of the reclaimed water system or use of the reclaimed water in any manner or for any purpose other than described in the ordinance and documents governing the reclaimed water system and usage executed by the customer of the reclaimed water service and the City. Any violations of the aforementioned nature may result in discontinuance or termination of reclaimed water service as provided in this Chapter. The offending individual or customer shall be liable for the cost of all charges attributable to the correction of such tampering, including, but not limited to legal expenses, payment for or correcting of such damage shall not relieve the offending individual or customer from criminal or Civil Sanctions the City or a court of law may impose for a violation of a City ordinance.

(b) It is unlawful for the customer to permit the reclaimed water to be used for human or animal consumption, inter-connecting with another water source, sprinkling of edible crops (gardens), body contact, recreation, use through hose bibs, faucets, quick couplers, etc., filling of swimming pools, sharing a common reclaimed water service or connection between properties, supplying air cooling systems (a/c units), or washing of equipment such as cars, boats, driveways, roofs, structures, etc.
(Ord. No. 07-37, 11/20/07, Repealed reserved Sec. 25-66; Enacted new Sec. 25-66) SUPP 2007-4

Sec. 25-67. Water; Reclaimed Water Use; customers, service agreements.

(a) Reclaimed water service shall only be provided to customers through reclaimed water use service agreements or annual orders for delivery as provided by the Utilities Director. The Utilities Director is authorized to execute such agreements on behalf of the City under the supervision of the City Attorney and approved as to form as required by the City Charter.

Since contractual rights for/to the use of reclaimed water may result in added value to a customer's property, agreements/contracts shall recognize that possibility and require a waiver by the customer of any such added value in the event of purchase or condemnation of the property by the City through negotiation. This requirement shall be an implied term of all reclaimed water use service agreements or similar agreements between the City and a customer.

(b) Reclaimed water use shall be controlled as follows:

(1) The use of all reclaimed water derived from water developed by the City, including but not limited to the City's allocation of groundwater, Salt River Project and Central Arizona Project water, shall be directly controlled by the City.

(2) The use of all reclaimed water derived from water developed by entities other than the City, but served to customers within the corporate boundaries of the City, shall be directly controlled by the City.

(c) It shall be unlawful to receive or use reclaimed water in any area within the City limits other than by a Reclaimed Water Use Service Agreement or annual delivery agreement with the City.

(d) When private development requires reclaimed water service in advance of the City's construction schedule, such customers/developers shall work with the Utilities Department to formulate a plan of service to be implemented at the sole expense of the customer/developer with facilities to be dedicated to City upon completion. Nothing herein will be construed to require the City to enter into such an agreement.

(e) The Reclaimed Water Use Service Agreement shall be in accordance with the Water Reuse System Master Plan, the Water Resources Master Plan and the City's water policy. Additionally, the Reclaimed Water Use Service Agreement recognizes that the use of reclaimed water may reduce the amount of groundwater or surface water that the City would have otherwise provided.

(f) Capital costs are those costs associated with providing distribution mains from the wastewater treatment facility to the point of delivery, up to, but not including, the connection. The Utilities Director may designate areas as not being appropriate for capital cost recovery taking into account the benefit of promoting reclaimed water use and the benefit to the City from not receiving full capital cost recovery.

(g) No customer will be allowed to connect property to the reclaimed water system unless such customer has made payment in full for the share of the capital costs. Alternatively, the customer may enter into an assessment agreement and provide for a lien to be secured against and recorded upon such property. Additionally, the customer may provide such other financial security to cover such capital costs acceptable to the Chief Financial Officer and City Attorney.

(h) The City Council's adopted rate schedule for Reclaimed Water shall dictate the cost of reclaimed water. Such schedule may be amended from time to time, as needed.

(i) To the extent funding is available in the City's adopted Capital Improvement Program, the City may elect to finance or participate in the construction of reclaimed water pipelines in the City's water service area to serve customers whose estimated reclaimed water usage is sufficient to justify pipeline construction on the basis of economic feasibility and such participation is consistent with the City's adopted Water Reuse Master Plan.

(Ord. No. 07-37, 11/20/07, Repealed reserved Sec. 25-67; Enacted new Sec. 25-67) SUPP 2007-4

Non-Potable Water Service.

Sec. 25-68 Water; Non-Potable Water Service; Promulgation and Enforcement of Procedures and Regulations

(a) The Utilities Director shall have the authority to promulgate procedures and regulations relative to the City non-potable water distribution system with respect to the following matters and which procedures and regulations shall become effective in the manner provided by this Code:

(1) Application procedures and requirements including execution of a Non-Potable Water Use Service Agreement.

(2) Installation requirements, including specification of acceptable materials, devices and regulations to help prevent backflow or cross-connections with other systems, all of which shall be subject to right-of-way permits and construction procedures approved by the City Engineer. System development requirements, including onsite facilities needed for a customer to receive non-potable water service from the point of delivery, will not be subject to any reimbursement or refund by the City. A customer must pay all costs to extend the Non-Potable Water Distribution System necessary to serve that customer including onsite and offsite facilities.

(3) Procedures for enforcement of the ordinances and regulations pertaining to non-potable water including, but not limited to, procedures for inspection of the customer's system and requiring appropriate signage pertaining to use of non-potable water.

(4) Procedures for the orderly expansion of the City non-potable water distribution system.

(5) Procedures and regulations for the efficient operation of the City non-potable water distribution system.

(6) The time of day or night during which customers may use non-potable water.

(7) The maximum rate of use for non-potable water.

(b) It shall be unlawful for any individual or customer to construct, operate, maintain, or allow to remain present on property owned or controlled by them, any device or system that is

connected to or that controls a device or system connected to the City's non-potable water distribution system that is not in compliance with all provisions of this Code related to non-potable water and with all procedures and regulations promulgated pursuant to this Chapter. In addition to any other Civil Sanctions that may be imposed by law, any individual or customer who owns or controls property upon which a non-complying device or system is found shall be liable to the City for a Civil Sanction of Five Hundred Dollars ($500.00) or the amount by which the costs associated with the securing and/or removal of the non-complying device or system exceeds the cost of a normal discontinuance of service, whichever is greater. This Civil Sanction shall constitute a lien against the property upon which the non-complying device or system is located in the same manner as other unpaid utility fees under this Chapter.
(Ord. No. 08-35, 12/02/08, Repealed reserved Sec. 25-68; Enacted new Sec. 25-68) SUPP 2008-4

Sec. 25-69. Water; Non-Potable Water Service; use required

(a) In order to establish non-potable water service with the City, all of the following criteria must be satisfied:

(1) The non-potable water service will be located within one-half mile of an existing City well.

(2) The water quality in such existing City well fails to meet current water quality standards.

(3) Construction of water treatment facilities for such well is not economically feasible as determined by the Utilities Director.

(4) Reclaimed water is not available to the location of service.

(b) If all of the criteria identified in Subsection (a) is satisfied, non-potable water service may be established for one or both of the following limited purposes:

(1) Irrigation of landscaping that was in place prior to December 1, 2008.

(2) Filling of lakes or other large bodies of water that were created prior to January 1, 1987.

(c) The Utilities Director may waive a time limitation prescribed in Section (b)(1) if the Utilities Director finds that all other required criteria have been satisfied and that the purpose of the requested use of non-potable water service is consistent with the intent of this Code.
(Ord. No. 08-35, 12/02/08, Repealed reserved Sec. 25-69; Enacted new Sec. 25-69) SUPP 2008-4

Sec. 25-70. Water; Non-Potable Water Service; discontinuance of service.

(a) In the event a customer desires to discontinue the use of non-potable water, the Non-Potable Water Use Service Agreement shall address and govern the compensation to be paid to the City for the remainder of the fiscal year in which such water use is terminated. Upon the termination

of the use of non-potable water by a customer, that customer's allocation will be reallocated to other customers by priority.

(b) Any customer whose non-potable water system is in violation of any State or County statute, ordinance, or regulation or City ordinance, regulation, procedure, or permit shall be subject to immediate discontinuance of non-potable water service. Such discontinuance of service shall not

relieve such (former) customer of any liability for civil actions for criminal or municipal ordinance violation prosecution.

(c) The City may suspend or discontinue non-potable water service to any customer that violates the provisions of this Chapter, including delinquency of any money (i.e., payment, fee, fine, assessment, etc.) owed the City. The procedure for discontinuance shall be as follows:

(1) Where the sole reason for discontinuance of service is delinquency of money owed the City, the matter will be handled as provided in Chapter 2 of this Code.

(2) Where the reason for discontinuance of service is due to a violation of an ordinance or regulation governing the City non-potable water distribution system (or a non-potable water service line) or where the violation endangers the health or safety of the public or the customer, discontinuance of service may occur without prior written notice or hearing.

(3) Where the reason for discontinuance is a refusal to permit an inspection being conducted pursuant to this Chapter, neither notice or a hearing shall be required prior to discontinuance of service.

(4) In cases where non-potable water service has been turned on or a connection made to the City non-potable water distribution system without authorization from the City, discontinuance of the service shall be immediate. No prior notice or pre-discontinuance hearing shall be required.

(5) Any customer who is found to be in violation of any City ordinance, regulation,or procedure governing non-potable water shall be subject to immediate discontinuance of non-potable water service.

(6) A customer whose service has been discontinued for delinquency of money (i.e., payment, fee, assessment, etc.) owed to the City may resume non-potable water service after paying any past due amounts of money owed to the City and a reconnection fee. For discontinuance for any other reason, the customer must apply for non-potable water as a Priority D applicant, unless a new agreement is entered into between the customer and City.

(d) Where service has been disconnected for a violation of an ordinance or regulation regarding non-potable water, such service shall not be reconnected until the Utilities Director receives adequate assurances and guarantees that such a violation will not recur.

(Ord. No. 08-35, 12/02/08, Repealed reserved Sec. 25-70; Enacted new Sec. 25-70) SUPP 2008-4

Sec. 25-71. Water; Non-potable Water Service; customer responsibility.

(a) The customer shall provide connections and appurtenances from the point of delivery after approval of the construction specifications (i.e., connections and appurtenances) by

the Utilities Department, at the customer's own cost and without reimbursement in any form by the City as set forth in this subsection.

(1) The customer shall be responsible for scheduling an inspection of the connection assembly with the Utilities Department upon completion of the installation.

(2) The customer shall not tamper with or modify or connect any unauthorized hose, fitting, or fixtures to the connection assembly.

(3) The customer shall be responsible for all maintenance including equipment, etc. associated with receiving non-potable water from the point of delivery to the customer's property line and beyond.

(b) The customer shall restrict the use of non-potable water for such uses as promulgated by the Utilities Director, who may take into account the Class level of the user and state law. The customer shall post such signage as determined appropriate by the Utilities Director advising customers of such facilities and the public that non-potable water is being used on the property.

(c) The customer will not allow the non-potable water to:

(1) Enter dwelling units for toilet flushing or other potable uses;

(2) Be plumbed for consumption by humans or animals;

(3) Interconnect with another water source;

(4) Sprinkle edible crops or gardens;

(5) Flow through unapproved types of connections as determined by the Utilities Director;

(6) Fill swimming pools;

(7) Be resold (i.e., the act of selling non-potable water again);

(8) Be used for any purpose in violation of regulations promulgated by the Utilities Director governing such use; and

(9) Be used in any way that violates state or federal law.

(d) It shall be unlawful for any individual or customer to tamper with City property to receive non-potable water in a manner inconsistent with this Chapter.

(e) It shall be unlawful for any individual or customer to interfere in any way with any officer, employee, or agent of the City charged with management, construction, operation, inspection, testing, or maintenance of the non-potable water system in the discharge of their duties.

(f) It shall be unlawful for any individual or customer to receive non-potable water from the City non-potable water distribution system on any parcel unless the City shall have placed or directed the placing of a non-potable water meter upon such parcel. It shall be the responsibility of the Utilities Director to approve or decline each application for non-potable water. The Utilities Director shall direct the type and size of any non-potable water meter to be installed in the turnout based on the proposed quantity of non-potable water to be used. It is the responsibility of the customer to pay for the meter; however the meter shall remain the property of the City.
(Ord. No. 08-35, 12/02/08, Repealed reserved Sec. 25-71; Enacted new Sec. 25-71) SUPP 2008-4

Sec. 25-72. Water; Non-potable Water Service; unauthorized work.

(a) It shall be unlawful for any individual or customer to tamper with, or perform work, on the City non-potable water distribution system or to operate City turnouts to receive non-potable water unless expressly authorized by the Utilities Director. Tampering or performing work shall include, but is not limited to, opening or closing of valves, turning on hydrants, or the causing of any water to flow from the system. It is also unlawful for any individual or customer, unless authorized by the Utilities Director to:

(1) Cut into or make any improper connection to the City non-potable water distribution system.

(2) Use any unapproved connector.

(3) Cause or allow their non-potable water system to have any cross connections (between two or more water supplies), any illegal connections or tie-ins, or any discharge of non-potable water into the public sewer system.

(4) Let, rent, or resale to any other party or property any part of the non-potable water system or use of the non-potable water in any manner or for any purpose other than described in the ordinance and documents governing the non-potable water system and usage executed by the customer of the non-potable water service and the City. Any violations of the aforementioned nature may result in discontinuance or termination of non-potable water service as provided in this Chapter. The offending individual or customer shall be liable for the cost of all charges attributable to the correction of such tampering, including, but not limited to legal expenses. Payment

for or correcting of such damage shall not relieve the offending individual or customer from criminal or Civil Sanctions the City or a court of law may impose for a violation of a City ordinance.

(b) It is unlawful for the customer to permit the non-potable water to be used for human or animal consumption, inter-connecting with another water source, sprinkling of edible crops (gardens), body contact, recreation, use through hose bibs, faucets, quick couplers, etc., filling of swimming pools, sharing a common non-potable water service or connection between properties, supplying air cooling systems (a/c units), or washing of equipment such as cars, boats, driveways, roofs, structures, etc.
(Ord. No. 08-35, 12/02/08, Repealed reserved Sec. 25-72; Enacted new Sec. 25-72) SUPP 2008-4

Sec. 25-73. Water; Non-potable Water Use; customers, service agreements.

(a) Non-potable water service shall only be provided to customers through non-potable water use service agreements or annual orders for delivery as provided by the Utilities Director. The Utilities Director is authorized to execute such agreements on behalf of the City under the supervision of the City Attorney and approved as to form as required by the City Charter.

Since contractual rights for/to the use of non-potable water may result in added value to a customer's property, agreements/contracts shall recognize that possibility and require a waiver by the customer of any such added value in the event of purchase or condemnation of the property by the City through negotiation. This requirement shall be an implied term of all non-potable water use service agreements or similar agreements between the City and a customer.

(b) Non-potable water use shall be controlled as follows:

(1) The use of all non-potable water derived from water developed by the City, including but not limited to the City's allocation of groundwater, Salt River Project and Central Arizona Project water, shall be directly controlled by the City.

(2) To be eligible to use non-potable water, a customer shall be in compliance with Section 25-69 of this Code.

(3) The use of all non-potable water derived from water developed by entities other than the City, but served to customers within the corporate boundaries of the City, shall be directly controlled by the City.

(c) It shall be unlawful to receive or use non-potable water in any area within the City limits other than by a Non-Potable Water Use Service Agreement or annual delivery agreement with the City.

(d) When private development requires non-potable water service in advance of the City's construction schedule, such customers/developers shall work with the Utilities Department to formulate a plan of service to be implemented at the sole expense of the customer/developer with facilities to be dedicated to City upon completion. Nothing herein will be construed to require the

City to enter into such an agreement.

(e) The Non-Potable Water Use Service Agreement shall be in accordance with applicable City master plans and the City's water policy. Additionally, the Non-Potable Water Use Service Agreement recognizes that the use of non-potable water may reduce the amount of potable water or surface water that the City would have otherwise provided.

(f) Capital costs are those costs associated with providing distribution mains from a non-potable well to the point of delivery, up to, but not including, the connection. The Utilities Director may designate areas as not being appropriate for capital cost recovery taking into account the benefit of promoting non-potable water use and the benefit to the City from not receiving full capital cost recovery.

(g) No customer will be allowed to connect property to the non-potable water system unless such customer has made payment in full for the share of the capital costs. Alternatively, the customer may enter into an assessment agreement and provide for a lien to be secured against and recorded upon such property. Additionally, the customer may provide such other financial security to cover such capital costs acceptable to the Chief Financial Officer and City Attorney.

(h) The City Council's adopted rate schedule for non-potable water shall dictate the cost of non-potable water. Such schedule may be amended from time to time, as needed.
(Ord. No. 08-35, 12/02/08, Repealed reserved Sec. 25-73; Enacted new Sec. 25-73) SUPP 2008-4

Sec. 25-74. Reserved.
(Ord. No. 99-97, 9/1/99, Enacted) SUPP 1999-3
(Ord. No. 01-163, 10/2/01, Amended Table 25-74)
(Ord. No. 04-09, 02/03/04, Amended Table 25-74) SUPP 2004-1
(Ord. No. 05-65, 11/15/05, Amended Table 25-74) SUPP 2005-4
(Ord. No. 07-37, 11/20/07, Repealed existing Table 25-74; new Table 25-32) SUPP 2007-4

Sec. 25-75. Reserved.
(Ord. No. 90-11, 4/10/90)
(Ord. No. 91-41, 11/12/91)
(Ord. No. 02-41, 6/7/02, amended) SUPP 2002-2
(Ord. No. 08-35, 12/02/08, repealed Sec. 25-75) SUPP 2008-4

Wastewater.

Sec. 25-76. Wastewater; definitions.

For purposes of the Wastewater (including Pretreatment) sections of this chapter, the following words, terms and phrases shall have the following meanings ascribed to them, except where the context clearly indicates a different meaning:

Act or "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.

Approval authority means the United States Environmental Protection Agency (EPA), Arizona Department of Environmental Quality (ADEQ), City, or any other authority responsible for the administration and enforcement of all applicable Federal, State, and City laws, including the Act, the general Pretreatment Regulations (40 CFR Part 403), and the Pretreatment provisions in this Chapter.

Approved laboratory means a facility licensed by the Arizona Department of Health Services pursuant to Title 36, Chapter 4.3, Article 1, Section 36-495, ET.SEQ. Arizona Revised Statutes.

Approved laboratory procedures means the measurements, tests and analyses of the characteristics of water and wastes in accordance with analytical procedures as established in 40 C.F.R. part 136, as revised.

Authorized representative means any person authorized by the City or other governmental entity.

Authorized representative of the Industrial User – An authorized representative of an Industrial user may be any of the following individuals:

(i) The president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or

(ii) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other

comprehensive measures to assure long term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(a) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(b) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(c) The individuals described in this Subsection (ii) may designate an Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company and the written authorization is submitted to the City.

Average quality means the arithmetic average (weighted by flow value) of all the daily determinations of concentration made during a calendar month.

AZPDES (Arizona Pollutant Discharge Elimination System) means the regulatory program administered by the Arizona Department of Environmental Quality pursuant to Arizona law.

Biochemical Oxygen Demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five (5) days at a temperature of twenty (20) degrees centigrade, expressed in milligrams per liter.

Best Management Practices (BMP) means schedules of activities, pollution treatment practices or devices, prohibition of practices, general good housekeeping practices, pollution prevention, waste minimization, educational practices, maintenance procedures, and other management practices or devices to prevent or reduce the amount of pollutants entering the sanitary sewer system, surface water, air, land or groundwater. BMP's also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. Best Management Practices may include a physical, chemical, structural or managerial practice or device that can help to achieve compliance with this Chapter.

Branch sewer means an arbitrary term for a sewer which receives sewage from lateral sewers from a relatively small area.

Building connection or *sewer tap* means the connection to the public sewer and the extension therefrom of the sewer to the property line in an alley or street, or to the easement line in

an easement, or to the edge of the paved roadway, whichever is applicable, depending on the location of the public sewer.

Building official means the individual so designated by the City Manager and head of the respective division of the Development Services Department responsible for implementing the Uniform Building Codes adopted by the city.

Building sewer means the extension from the building drain to the building connection or other place of disposal.

Categorical Industrial User means an Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard.

Categorical Pretreatment Standard or Categorical Standard means any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. §1317) which apply to a specific category of Users and which appear in 40 CFT Chapter I, Subchapter N, Parts 405-471.

City means City of Peoria, Arizona.

City Engineer means the Director of the Engineering Department, (i.e., City Engineer) or their deputy, agent, designee or representative.

COD (chemical oxygen demand) means the quantity of oxygen consumed from a chemical oxidation of inorganic and organic matter present in the water or wastewater, expressed in milligrams per liter.

Cooling water means the clean wastewater discharged from any heat transfer system such as condensation, air conditioning, cooling or refrigeration.

Combined Sewer means a sewer receiving both surface runoff and sewage.

Control authority means the "Approval Authority", defined herein above, or the Director if the City has an approved pretreatment program under the provisions of 40 CFR 403.11.

Daily average effluent limitation means the maximum allowable concentration in the discharge as measured in a representative sample during a sampling day. In determining compliance with the daily average effluent limitation, City samples should not be combined with non-City samples.

Daily composite sample means a sample of effluent continuously collected over a normal operating day.

Daily composite sample quality means the concentration of some parameter tested in a daily composite sample and reported proportional to flow.

Daily determination of concentration means:

(i) For composite samples means the daily composite sample quality.

(ii) For grab samples, the arithmetic average (weighted by flow value) of all grab sample qualities, determined for any calendar day.

Daily maximum means the arithmetic average of all effluent samples for a pollutant collected during a calendar day.

Daily maximum limit means the maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

Department means the Public Works-Utilities Department.

Developer means any person engaged in the organizing and financing of a sewage collecting system within an area contributing to a branch, main, or a trunk sewer of the city sewer system. Such may be either a subdivider or a legally-constituted improvement district.

Director or *Public Works-Utilities Director* means the Public Works-Utilities Director of the City of Peoria or their authorized deputy, agent, designee or representative.

Director of Engineering means the Director of Engineering or his authorized deputy, agent, designee, or representative.

Finance Director or his authorized deputy, agent or representative shall have the authority to determine and collect all flow service rates and to make such regulations as necessary for same, including the ordering of a discontinuance of service for non-payment of required service fees.

Direct discharge means the discharge of treated or untreated wastewater directly to the waters of the State of Arizona.

Discharge means the disposal of sewage, water or any liquid from any sewer User into the sewerage system.

Domestic sewage means a typical, residential-type waste which requires no pretreatment under the provisions of this article before discharging into the sanitary sewer system. Domestic sewage includes sewage or wastewater that (a) has a five (5) day biochemical oxygen demand less than 300 milligrams per liter by weight; (b) contains less than 350 milligrams per liter by weight of suspended solids, and (c) does not contain a non-permissible quantity of the type of waters and wastes described in section 25-138.

Environmental Protection Agency or EPA means the U.S. Environmental Protection Agency or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of said agency.

Establishment or *plant* means any establishment or plant producing liquid waste, with or without suspended solids, required to be discharged into the City sewer system.

Existing source means any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed Categorical Pretreatment Standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

Finance Director or his authorized deputy, agent or representative shall have the authority to determine and collect all flow service rates and to make such regulations as necessary for same, including the ordering of a discontinuance of service for non-payment of required service fees.

Garbage means solid wastes from the preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.

Grab sample means an individual sample of effluent collected in less than fifteen (15) minutes.

Grab sample quality means the concentration of some parameter tested in a grab sample.

Holding Tank Waste means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

Indirect Discharge or Discharge means the introduction of pollutants into a POTW from any non-domestic source regulated under Section 307(B), (C), or (D) of the Act, (33 U.S.C. 1317), into the POTW.

Industrial cost recovery means recovery by the City from the Industrial Users of the sewer system of the Federal grant amount allocable to the treatment of wastes for such Users.

Industrial cost recovery period means the industrial cost recovery period shall be equal to thirty (30) years from the date of completion of the facilities.

Industrial discharge (Waste) means any introduction into the POTW of an non-domestic pollutant which:

(i) Is produced by a source which would be subject to any Categorical Standards or Pretreatment Requirements if such source were to be discharged to the POTW; and

(ii) Contains any substance or pollutant for which a discharge limitation or prohibition has been established by any Categorical Standard or Pretreatment Requirement.

Industrial unit means a business use or an activity involving and/or including, but not limited to, resource extraction, manufacturing, fabrication, assembly, and warehousing.

Industrial User or User means any one or more of the following:

(i) Any non-residential User of the sewer system who causes an industrial discharge; or

(ii) Any non-residential User of the sewer system which either discharges or produces a waste which potentially could be discharged to a POTW which could be subject to any Categorical Standard or Pretreatment Requirement; or

(iii) Any Significant Industrial User;

(iv) Has control over the disposal of a waste as described in (1) and (2) above; or

(v) Has the right of possession and control over any property which produces a waste as described in (1), (2), (3), or (4) above.

Industrial waste means any liquid, free-flowing waste, including cooling water, resulting from any industrial or manufacturing process or from the development, recovery or processing of natural resources, with or without suspended solids excluding uncontaminated water.

Industrial wastewater discharge permit means the permit granted by the City to an Industrial User granting the right to discharge to the sewer works subject to the terms and conditions set forth in the permit.

Inflow means water other than wastewater that enters a sewer system (including sewer service connections) from sources such as roof leaders, cellar drains, foundation drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, stormwaters, surface runoff, street wash waters or drainage.

Instantaneous effluent limitation means the maximum allowable concentration in the discharge at any time as measured in a grab sample. In determining compliance with the instantaneous effluent limitation, City samples shall not be combined with non-City samples.

Instantaneous maximum allowable discharge limit means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the flow rate and the duration of the sampling event.

Interference means a discharge which alone or in conjunction with a discharge or discharges from other sources, both:

(i) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

(ii) Therefore is a cause of a violation of any requirement of the POTW'S AZPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (Including Title II, more commonly referred to as the Resource Conversation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, The Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

Lateral sewer means a sewer which discharges into a branch or other sewer and has no other common sewer tributary to it.

Main sewer means a sewer which receives sewage from two (2) or more branch sewers as tributaries.

Maintenance means keeping the treatment works in a state of repair, including expenditures necessary to maintain the capacity (capability) for which the works were designed and constructed.

Medical Waste means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

National Pretreatment Standard, Pretreatment Standard or Standard means any regulation containing pollutant discharge limits promulgated by the United States Environmental Protection Agency in accordance with section 307 (b) and (c) of the Act, which applies to Industrial Users. This term included prohibitive discharge limits established pursuant to 40 CFR 403.5. Reference the standards located in 40 CFR chapter i, subchapter n., Parts 405 - 471.

National prohibitive discharge standard or prohibitive discharge standard means any regulation developed under the authority of 307(B) of the Act and 40 CFR, Section 403.5.

Natural outlet means any outlet into a watercourse, ditch, or other body of surface or groundwater.

New source means any building, structure, facility or installation from which there is or may be a discharge of pollutants if its construction occurred under the following timeframes:

(i) The construction commenced after the publication of proposed pre-treatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that one or more of the following criteria is met:

(a) The building, structure, facility or installation is constructed at a site at which no other source is located; or

(b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(ii) Construction on a site at which an existing source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (i)(a), (i)(b) or (i)(c) of this section, but otherwise alters, replaces, or adds to existing process or production equipment.

(iii) Construction of a New Source has commenced if the owner or operator has either:

(a) Begun, or caused to begin, as part of a continuous onsite construction program either or both of the following:

(1) Any placement, assembly, or installation of facilities or equipment; or

(2) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment.

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation.

Noncontact cooling water means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

National Pollutant Discharge Elimination System (NPDES) Permit means a national pollutant discharge elimination system permit, issued to the City by the EPA, or an Arizona pollutant discharge elimination system permit (AZPDES), issued to the City by the State of Arizona, which imposes standards governing the quality of the treatment effluent discharge from the POTW into a navigable water of the United States.

Oil & grease means the measure of oil and grease content of a sample as determined by EPA method 1664A, Or other equivalent test method approved by the Director.

Oil & grease (TPH) means for purposes of determining compliance with the oil and grease limitation contained in this chapter, oil and grease is defined as the measure of the petroleum and mineral oil(Total Petroleum Hydrocarbons, "TPH") content of a sample as determined by EPA method 1664A, or other equivalent test method approved by the Director.

Pass through means a discharge which exits the Publicly Owned Treatment Works into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of violation of any requirement of the POTW's AZDPES permit (including an increase in the magnitude or duration of a violation). 40 CFR 403.5(A)(1)

Permittee or *permit holder* means any person who owns, operates, processes or controls an establishment or plant being operated under a valid industrial waste permit to discharge wastewater into the city sewer system.

Person means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context. This definition includes all Federal, State, and local governmental entities.

pH means a measurement of the acidity or alkalinity of a solution, expressed in standard units defined as the logarithm of reciprocal of the weight of hydrogen ions in grams per liter of solution.

Pollutant means any dredged spoil, solid waste, incinerator residue, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural wastes. This includes any substance and effluent limitation identified in this Chapter 25 of the City Code and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, chemical oxygen demand ("COD"), toxicity, or odor).

Pollution means the man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

Pollution prevention means source reduction and other practices that reduce or eliminate the creation of pollutants through either or both of the following:

(i) Increased efficiency in the use of raw materials, energy, water or other resources, or

(ii) Protection of natural resources by conservation.

Publicly Owned Treatment Works (POTW) means a treatment works, as defined by Section 212 of the Act (33 U.S.C. § 1292) which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment

plant. The term also means the City as defined in Section 502(4) of the Act, which has jurisdiction over Indirect Discharges from such treatment works..

POTW residuals means all POTW effluent and/or solids, including sludge, scum, screenings and grit, which are the by-product of the wastewater treatment operations and which must be discharged to the environment for ultimate disposal and/or reuse.

POTW treatment plant means that portion of the POTW designed to provide treatment to wastewater.

Pretreatment means the physical, chemical, biological or other treatment of any industrial discharge, prior to discharge to the POTW for the purpose of the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

Pretreatment requirements means any substantive or procedural requirement related to pretreatment imposed on a User other than a Pretreatment Standard.

Pretreatment Standards, National Pretreatment Standards, or Standards means any regulation containing pollution discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act which apply to Industrial Users. This term includes prohibited discharge limits established pursuant to 40 CFR § 403.5.

Producer means any person, firm, association, corporation or trust which owns, operates, possesses or controls an establishment or plant, whether or not a permittee.

Prohibited discharge standards or prohibited discharges mean absolute prohibitions against the discharge of certain substances.

Properly shredded garbage means garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) of an inch in any dimension.

Public sewer means a lateral, branch, main or trunk sewer controlled and maintained by the City.

Replacement means those expenditures made for obtaining and installing equipment, accessories and/or appurtenances during the useful life of the treatment works which are necessary to maintain the capacity and performance of the treatment works for which they were designed and constructed.

Sanitary sewer means a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

Septic tank waste means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Sewage means human excrement and gray water (showers, dishwashing, laundry operations, etc.).

Sewage treatment plant means any arrangement of devices and structures used for treating sewage.

Sewage works, sewer system or *sewerage works* means all facilities used for collecting, pumping, treating, and disposing of sewage.

Sewer means a pipe or conduit for carrying sewage.

Sewer Tap - See "Building Connection".

Shall means mandatory. May is permissive.

Significant Industrial User(SIU) means:

(i) All Users subject to Categorical Pretreatment Standards under 40 CFR §403.6 and 40 CFR Chapter I, Subchapter N; or.

(ii) Any other User that meets one or more of the following criteria:

(a) Discharges an average of twenty five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);

(b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(c) Is designated as such by the City on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement.

(iii) The City may determine that an Industrial User subject to Categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on finding the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and/or boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and all of the following conditions are met:

(a) The Industrial User, prior to the City’s finding has consistently complied

with all applicable Categorical Pretreatment Standards and Requirements;

(b) The Industrial User annually submits the certification statement required in this Chapter, together with any additional information necessary to support the certification statement; and

(c) The Industrial User never discharges any untreated concentrated wastewater.

(iv) Upon a finding that an Industrial User meeting the criteria in Subsection (ii) has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a User, and in accordance with procedures in 40 CFR § 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

Significant noncompliance means an industrial user is in a state of significant noncompliance (SNC) when violations meet one or more of the following criteria:

(i) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all the measurements taken during any six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

(ii) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all of the measurements <u>For each pollutant parameter</u> taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 FOR BOD, TSS, fats, oil and grease, And 1.2 For all other pollutants except pH).

(iii) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Director determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).

(iv) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the Publicly Owned Treatment work's exercise of its emergency authority under this Chapter to halt or prevent such a discharge.

(v) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a permit or enforcement order for starting construction, completing construction, or attaining final compliance.

(vi) Failure to provide, within thirty (30) days after the due date, required reports such as BMR’s, ninety day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules.

(vii) Failure to accurately report non compliance; or

(viii) Any other violation or group of violations which the Director determines will adversely affect the operation or implementation of the local pretreatment program.

Slug discharge means *or Slug* means any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or permit conditions.

Source reduction means any practice which:

(i) Reduces the amount of any pollutant or contaminant entering any waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment or disposal; and

(ii) Reduces the hazards to public health and the environment associated with the release of such substances, pollutants or contaminants.

Standard industrial classification (SIC) means a coded classification of industries based upon economic activity developed by the U. S. Department of Commerce as published in the most recent edition of the Standard Industrial Classification Manual, Office of Management and Budget.

Standard methods means the procedure as described in the most current edition of Standard Methods for the Examination of Water and Wastewater published by the American Health Association, or the most current edition of Manual of Methods for Chemical Analysis of Water and Wastes published by the U. S. Environmental Protection Agency.

State means State of Arizona.

Storm sewer or *storm drain* means a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

Storm water means any flow occurring during or following any form of natural precipitation and resulting from such precipitation, including snowmelt.

Suspended solids (SS) means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

System design capacity means the design capacity for normal domestic sewage as established by accepted engineering standards.

Total organic carbon (TOC) means the total of all organic compounds expressed in milligrams per liter as determined by the combustion-infrared method prescribed by approved

laboratory procedures.

Toxic pollutant means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provision of CWA 307(A) or other acts.

Treatment parameter means a fundamental characteristic of sewage around which treatment is designed such as, but not limited to, flow, BOD, and Suspended Solids.

Trunk sewer means a sewer which receives sewage from many tributary main sewers and serves as an outlet for a large territory.

User or Industrial User means a source of indirect discharge.

Waste minimization means an activity which eliminates or reduces the amount of any pollutant from entering the waste stream or the environment. This may include a change in raw materials, operational improvement, process improvement, product reformulation, reuse or reclamation.

Wastewater means liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

Wastewater contribution permit means as set forth in this Chapter.

Wastewater treatment plant means that portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

Watercourse means a channel in which a flow of water occurs, either continuously or intermittently.

Waters of the State means all streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, draining systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

Cross reference(s) -- Definitions and rules of construction generally, § 1-2.

(Code 1977, §12-1-1)

State Law Reference: A.R.S. §36-495.

(Ord. No. 95-66, 8/1/95, Amended)
(Ord. No. 02-41, 6/7/02, Amended) SUPP 2002-2
(Ord. No. 02-42, 6/7/02 Amended) SUPP 2002-2
(Ord. No. 04-197, 9/21/04, Amended) SUPP 2004-3
(Ord. N. 08-35, 12/02/08, Amended Sec. 25-76) SUPP 2008-4
(Ord. No. 09-39, 10/20/09, Amended) SUPP 2009-4

Sec. 25-77. Wastewater; Code part of water service contract.

The provisions of this Code shall be a part of the contract of every customer receiving wastewater service from the City, and such customer receiving wastewater service shall be considered as having expressly consented to be bound thereby.
(Ord. No. 87-43, § III, 9-22-87)
(Ord. No. 95-66, 8/1/95, Repealed)
(Ord. No. 95-66, 8/1/95, Enacted)
(Ord. No. 08-35, 12/02/08, Repealed & Renumbered Sec. 25-77. Enforcement Response Plan to

Sec. 25-94. Wastewater; Enforcement Response Plan.; Enacted Sec. 25-77 Wastewater; Code part of water service contract.) SUPP 2008-4

Sec. 25-78 Wastewater; applicability to existing agreements.

This Chapter shall not be construed to invalidate or prohibit the enforcement of any agreement involving wastewater service entered into prior to the effective date of this Chapter. Where possible, all such agreements shall be administered in accordance with the provisions of this Chapter.
(Code 1977, §§ 12-1-1, 12-10-1)
(Ord. No. 02-41, 6/7/02, Amended) SUPP 2002-2
(Ord. No. 08-35, 12/02/08, Repealed Enforcement and waivers, Enacted 25-78: Wastewater; applicability to existing agreements) SUPP 2008-4

Sec. 25-79 Wastewater; liability of City limited.

(a) No liability shall attach to the City for any injury or damage that may result from the restriction of use or discontinuance of any wastewater service, or any failure of the wastewater system regardless of any notice or lack of notice thereof. The City shall not be held liable, in any respect, for the conditions, defects, failures, or use of any pipe, connection, fixture, or appurtenance, not belonging to the City, on any customer's (or non-customer's) property, or for loss or damage resulting therefrom.

(b) The City shall not be responsible for any interruption of wastewater service caused by reasons beyond its control.
(Code 1977, §§12-4-6(b), 12-8-1)
(Ord. No. 08-35, 12/02/08, Renumbered Sec. 25-79. to Sec. 25-90. Wastewater; service outside city generally, Enacted Sec. 25-79 Wastewater; liability of City limited) SUPP 2008-4

Sec. 25-80 Wastewater; customer responsibility.

The customer shall have complete responsibility for the installation and maintenance of adequate wastewater facilities on the customer's property. The City shall not be responsible for the installation, maintenance, inspection, or damage of such facilities or damage caused by any defect in such facilities on the customer's property. The customer shall be responsible for such facilities from the edge of street pavement to the home. Such facilities shall be maintained by the customer in full

compliance with all rules and regulations of the City in addition to applicable federal and state statutes.
(Code 1977, §12-10-2)
(Ord. No. 08-35, 12/02/09, Renumbered Sec. 25-80. Termination of service for violations; restoration of service. to Sec. 25-95. Wastewater; Termination of service for violations; restoration of service.; Enacted Sec. 25-80. Wastewater; customer responsibility.) SUPP 2008-4

Sec. 25-81. Wastewater; customer negligence

In the event that any damage to the City wastewater system or injury to City employees is caused by a customer and requires repairs, replacements, or damages, the cost of such repairs, replacements, or damages, together with a twenty percent (20%) administrative fee, shall be added to that customer's bill. If such charges are not paid by the customer, the City may discontinue water service.
(Code 1977, § 12-1-3)
(Ord. No. 91-41, 11/12/91, Amended)
(Ord. No. 08-35, 12/02/08, Repealed Sec. 25-81. Interference with Public Works Department, digging up streets without permit; tampering with equipment prohibited, Enacted Sec. 25-81. Wastewater; customer negligence) SUPP 2008-4

Sec. 25-82. Wastewater; inspections.

(a) Authorized officers and employees of the City may inspect every facility that is involved, either directly or indirectly, with the discharge of wastewater to the City's sewage system. These facilities shall include sewers, sewage pumping plants, pollution control plants, all industrial processes, industrial wastewater generation, conveyance and pretreatment facilities, devices and connecting sewers, and all similar sewage facilities. Inspections may be made to determine that such facilities are maintained and operated properly and are adequate to meet the provisions of this Chapter or any other law or standards applicable to wastewater.

(b) Authorized City personnel my enter any building or property at a reasonable time (whenever necessary) to inspect the building or property, or to perform any duty authorized by this Code, for the purpose of making an inspection to enforce any provisions of this Code. Authorized personnel also may conduct an inspection if the City has reasonable cause to believe that there exists in any building or upon any property any conditions that makes such building or property unsafe due to violations under this Code. In such a case, if the building or property is occupied, the authorized City personnel shall first present proper credentials and request entry. If the building or property is not occupied the City first shall make a reasonable effort to locate the owner of other persons having charge or control of such building and request entry. If such entry is denied, the City shall have recourse to every remedy provided by law to secure entry.

(c) If the owner or occupant denies entry, the authorized City personnel may obtain a proper inspection warrant or other remedy provided by law to secure entry. Owners,

occupants, or any other person having charge, care, or control of any building or property, after proper request is made as provided in this Section, shall promptly permit entry therein by the City for the purpose of inspection and examination pursuant to this Code.

(d) If the City determines that a violation of this Code exists on the property, the City may turn off water service to the property until such violation is corrected, depending on this magnitude of the violation.

(Code 1977, §12-3-4)
(Ord. No. 95-66, 8/1/95, Amended (a))
(Ord. No. 08-35, 12/02/08, Amended Sec. 25-82) SUPP 2008-4

Sec. 25-83. Wastewater; liability for damage.

Any expense incurred by the City for the repair or replacement of damaged, stolen, tampered with or misused wastewater facilities, including administrative and processing charges, shall be charged against and collected from the customer or person who caused the expense in an amount as established in this Code. Unless authorized by the Utilities Director, all work (i.e., restoration, repair, etc.) shall be performed by City personnel.
(Code 1977, §12-2-1)
(Ord. No. 08-35, 12/02/08, Renumbered Sec. 25-83. Wastewater; unsanitary disposal of excrement prohibited. to Sec. 25-98., Enacted Sec. 25-83 Wastewater; liability for damage) SUPP 2008-4

Main Extensions and Construction (Service Connections).

Sec. 25-84. Wastewater; connections to existing sewer mains.

(a) All sewers to be attached directly or indirectly to a City sewer shall be inspected by personnel of the City during construction. At least ten days prior to cutting into the City's sewer, the City shall be notified. In making a connection to a City sewer, no physical alteration of the City's facilities shall commence until an inspector is present. No wastewater shall be discharged into any sewage facility tributary to a City facility prior to obtaining inspections and approval of sewage construction by the City.

(b) Any request for a scheduled shutdown of the City’s wastewater collection system shall contain a schedule indicating the time and date of the proposed shutdown, its main location and point of shutdown, and the contemplated time and date of the reopening of the water main.

(c) The customer or person causing a break in any City sewer line shall immediately notify the City's Utility Department of the time, date and location of such break, together with any other information the City may request in relation to such break. Any costs to the City arising from such break, including the repair thereof and the costs of sewer bypasses, shall be paid by the customer or persons causing the break.

(d) Any customer or person violating this Section shall be subject to the imposition of a Civil Sanction by the Utilities Director in an amount not less than Two Hundred Fifty Dollars ($250.00) and not more than One Thousand Dollars ($1,000.00). Each day that a violation occurs shall be deemed a separate violation for purposes of this section and shall subject the customer or person to a separate Civil Sanction in the amount provided by this Section.
(Code 1977, §§12-2-2, 12-2-6.1)

(Ord. No. 08-35, 12/02/08, Renumbered Sec. 25-84. Wastewater; treatment of polluted wastes required. to Sec. 25-108., Enacted Sec. 25-84. Wastewater; connections to existing sewer mains.) SUPP 2008-4

Sec. 25-85. Wastewater; sewer main extensions.

(a) If it becomes necessary to extend sewer mains from a distant point in order to serve a new development, the cost of the main extension will be the responsibility of the developer. The developer shall be responsible to construct at a minimum an eight (8)- inch diameter sewer main.

(b) The plans and specifications for the approach main must be approved by the City Engineer.
(Code 1977, §§12-3-5 through 12-3-7)
(Ord. No. 95-66, 8/1/95, Amended (a), added (b), renumbered (b),(c) and (d)
(Ord. No. 08-35, 12/02/08, Repealed Sec. 25-85. Wastewater; private sewage disposal systems., Enacted Sec. 25-85. Wastewater; sewer main extension) SUPP 2008-4

Sec. 25-86. Wastewater; Sewer main extension requirements .

If the City determines that the extension of sewer mains to undeveloped areas is in the public interest, then all such extensions shall comply with the provisions of this Chapter and Chapter 23 of the City Code.

(a) The property owner must pay all costs for constructing sewer lines of such sizes as to afford adequate service during peak flows for the entire area to be served by the extension main.

(b) The Utilities Director shall establish the area that the sewer main shall service, which may extend beyond the limits of the property being developed.

(c) The property owner's engineer shall submit for the Utilities Director’s approval the required size and layout of public sewer mains that will meet sewer flow requirements as required by this Code. The final decision on size and layout of public sewer mains shall be made by the Utilities Director.

(d) The field engineering, plans, and specifications required for sewer main extensions shall be prepared by the developer and approved by the City Engineer prior to construction. The engineering costs for preparation of plans and staking of the water main extensions on the property which are incurred by the property owner may be included in the agreed construction costs as determined by the City Engineer and as provided in this Section. The City shall perform the

inspections during construction.

(e) Where lift stations are necessary to transport sewage due to ground elevation issues within the City service area, the property owner shall construct at the owner's expense the necessary lift station to City specifications. If the lift station facility provides service for more than a single residential lot, the City will assume ownership and operation of such installation upon its completion and acceptance by the City. If a booster pump facility provides pressure for a single residential lot, the property owner shall be solely responsible to operate and maintain the facility after it is approved by the City for operation.

(f) The City may require the construction of the sewer main extension to meet additional specifications and requirements if such is determined to be in the best interest of the City and necessary to protect the public health, safety, and welfare.
(Code 1977, §§12-9-1 through 12-9-6)
(Ord. No. 92-03, 2/11/92, Amended)
(Ord. No. 02-41, 6/7/02, Amended) SUPP 2002-2
(Ord. No. 08-35, 12/02/08, Repealed Sec. 25-86. Extension mains, definitions., Enacted Sec. 25-86. Wastewater; sewer main extension requirements.) SUPP 2008-4

Sec. 25-87. Wastewater; sewer main extensions; subdivisions, single lots, sub lot developments and all other developments.

(a) Where the City is to provide sewer service to and for all new subdivisions, single lot development, and all other developments other than a single residence on a single lot, the property owner shall furnish and install in accordance with plans approved by the City Engineer, all sewer mains, sewer taps, manholes, and appurtenances within the boundary of the development as well as the streets bounding the entire development. In addition, the property owner shall furnish and install all off-site sewer mains as necessary to extend sewer service to the edges of the proposed development as determined by the City.

(b) The City's sewer system standards shall be defined in accordance with this Chapter. All development in the City's sewer service area must conform with the City Sewer Master Plan, the approved Sewer System Analysis for the development, the City Development Guidelines, the Maricopa County Association of Government Standards, and the development plans and specifications approved by the City Engineer.

(c) For development primarily residential in character, the minimum size of mains installed by the developer on interior streets shall be eight (8)-inch diameter. The Utilities Director shall require larger size mains to meet the needs of all developments to be served by the extension, as determined by the current Sewer Master Plan.

(d) Where no sewer main is existing along the frontage of a single existing residential lot zoned for single family use, and the property owner of the single lot requests sewer service, sufficient length of main shall be constructed by the property owner to extend the new main from an existing sewer main to the point of connection of the new sewer tap.

(e) All sewer main, taps, and appurtenances installed by the property owner's contractor shall be guaranteed against any and all defects by the property owner for a period of one year after the City's acceptance of the installations.
(Code 1977, § 12-3-1)
(Ord. No. 92-03, 2/11/92, Amended)
(Ord. No. 02-41, 6/7/02, Amended) SUPP 2002-2
(Ord. No. 08-35, 12/02/08, Repealed Sec. 25-87. Wastewater; public sewer extensions; approval by the engineering department required., Enacted Sec. 25-87. Wastewater; sewer main extension; subdivision, single lots, sub lot developments and other developments.) SUPP 2008-4

Sec. 25-88. Wastewater; minimum requirements for connection to sewer system.

All development within the City's sewer service area and within a quarter of a mile (1,320 feet) from a City sewer line is required to connect to the City's sewer system. The extension of a City sewer line and the connection to the City's sewer system will be constructed in accordance with City standards and City approved plans. Any such extension and connection shall be the sole financial responsibility of the developer and/or customer. The connection to the City's sewer system and the extension of the sewer line are a condition of issuance of a building permit. The Utilities Director will have discretion to allow variances to this requirement for single lot developments, if either such development is on a major arterial road or the connection is determined not to be feasible.
(Code 1977, § 12-3-2)
(Ord. No. 92-03, 2/11/92, Amended)
(Ord. No. 02-41, 6/7/02, Amended) SUPP 2002-2
(Ord. No. 08-35, 12/02/08, Repealed Sec. 25-88. Wastewater; construction and ownership of public sewer lines and related facilities maintained by the engineering department., Enacted Sec. 25-88. Wastewater; minimum requirements for connection to sewer system.) SUPP 2008-4

Sec. 25-89. Wastewater; extensions, construction, ownership, and maintenance.

(a) The extension of sewer mains and service taps shall be constructed in strict accordance with plans approved by City, and all review fees shall be paid as provided in the City Code. Main extensions and service taps shall be maintained by the Utilities Department up to the edge of pavement in improved areas and to the point of connection of the service tap to the sewer main in unimproved areas. Main extension and service taps shall be operated by the City as part of the collection system. The City shall exercise complete control over such extensions upon completion, and the property owner shall relinquish to the City all responsibility for the extension and rights to or interest in the ownership of the extension. The property owner may request and/or the Utilities Director may authorize additions to or variances from the standards and specifications, if the Utilities Director determines such variance or addition is in the best interest of the City and the public health, safety, and welfare. All such additions or variances shall be in writing and shall be approved by the Utilities Director.

(b) The ownership of all extensions and service taps, upon acceptance by the Utilities Director, shall be vested in the City.

(c) All decisions of the Utilities Director under this Section may be appealed to the City Manager or designee. The appeal shall be in writing and shall specify the specific decision of the Utilities Director which is being appealed and the specific relief being requested. The decision of the City Manager or designee shall be final.
(Ord. No. 92-03, 2/11/92, Renumber existing Sec. 25-89 to 25-95 and enact new section)
(Ord. No. 02-41, 6/7/02, Amended) SUPP 2002-2

(Ord. No. 08-35, 12/02/08, Repealed Sec. 25-89. Wastewater; trunk sewer extensions.; Enacted Sec. 12-89. Wastewater; extensions, construction, ownership, and maintenance.) SUPP 2008-4

Sec. 25-90. Wastewater; service outside City generally.

Any sewer connection made outside the corporate limits of the City shall be at the discretion of the City Council. City sewer service offered to users outside the city limits shall be offered by the City subject to compliance by the users with the terms of this article.

For all places outside the corporate limits of the city not mentioned in this article where sewer service is rendered by the City, and for which no rate is specifically fixed, the rate to be charged, including a connection charge, shall be as fixed by the City Council.
State Law Reference A.R.S. §34-201.
(Ord. No. 92-03, 2/11/92, Enacted)
(Ord. No. 02-41, 6/7/02, Amended) SUPP 2002-2
(Ord. No. 08-35, 12/02/08, Repealed Sec. 25-90. Wastewater, Trunk Sewer Extensions; bid procedures; costs; connections; access control.; Renumbered Sec. 25-79. Wastewater; service outside City generally to Sec. 25-90) SUPP 2008-4

Sec. 25-91. Wastewater; agreements; repayment agreements.

(a) The City and a property owner may execute a repayment agreement for certain projects. The project shall be bid in accordance with the provisions pertaining to public works projects contained in Title 34 of the Arizona Revised Statutes. The bids shall be opened at a location designated by the City on a pre-determined date agreeable to the property owner and the City. The City and the property owner reserve the right to reject any or all bids. The construction costs shall be determined prior to the commencement of construction and shall be approved by the City. In the event that the agreed-upon construction costs increase, the repayment agreement may be amended upon approval of the additional construction costs by the City.

(b) Upon completion of the project, the main sewer line shall become the property of the City.

(c) The maximum service area to be serviced by the proposed main sewer lines and its ultimate branches and laterals shall be determined by the Utilities Director based on sewer capacity requirements.

(d) Upon entry into a repayment agreement with the City, the property owner may connect into existing City sewer lines with the approval of the Utilities Director in consideration for

entering into the repayment agreement.

(e) The Utilities Director shall have sole and exclusive control of connections to any proposed sewer line.

(f) A repayment agreement will assist in establishing a reasonable charge to permit a connection. The connection charge will be calculated on a cost per frontage foot, using the agreed approach main construction costs and the extent to which new development is adjacent to the sewer line.

(g) The connection charge will be paid to the City, and the City agrees to repay such amounts to the property owner. Repayments shall be made by the City within sixty (60) days of receipt. The total of such repayments shall not exceed that portion of the agreed construction costs of the approach sewer line allotted to frontage outside the service area of the property owner. The repayment agreement shall terminate in ten years, or upon the repayment of the total amount in conformance with this Chapter, whichever is earlier. The City shall have the option to provide for repayment to the property owner by allowing a credit against sewer expansion fees due from the property owner to the City. The connection charge shall be paid into the sewer expansion fee account.
(Ord. No. 92-03, 2/11/92, Enacted)
(Ord. No. 02-41, 6/7/02, Amended) SUPP 2002-2
(Ord. No. 08-35, 12/02/08, Repealed Sec. 25-91. Wastewater; repayment provisions, development agreement.; Enacted Sec. 25-91. Sec. 25-91. Wastewater; agreements; repayment agreements.) SUPP 2008-4

Sec. 25-92. Wastewater; repayments; sewer lines.

(a) Sewer main extensions shall be those mains subject to repayment and defined as any one or more of the following:

(1) Mains extended beyond the limits of the project, constructed through the project, or constructed along the frontage or boundary of the development;

(2) Mains which serve other property owners other than the owner who is developing the property; or

(3) Mains which are constructed to contain additional capacity to provide adequate flow above and beyond that required by the development based on the volume of flow and type of waste generated by the development.

(b) This Section shall apply where a wastewater line is extended by one property owner and connected to at a later date by one or more additional property owners. A property owner who extends a sewer line which provides a means of service to property owned by others may enter into an agreement with the City providing for repayment of a portion of the costs when the property abutting the sewer line extensions develops. The project shall be bid in accordance with the provisions pertaining to public works projects contained in Title 34 of the Arizona Revised Statutes.

The bids shall be opened at a location designated by the City on a pre-determined date agreeable to the property owner and the City. The City and the property owner reserve the right to reject any or all bids. The construction costs shall be determined prior to the commencement of construction and shall be approved by the City. In the event that the agreed upon construction costs increase, the repayment agreement may be amended upon approval of the additional construction costs by the City.

(c) The City reserves the right to increase the diameter of the approach sewer mains above that needed to serve the individual property/development if it deems advisable, but under the condition that the City will assume the additional cost to increase the diameter of the sewer line above that which the property owner would incur for the approach sewer line required to serve the development.

(d) The final detailed plans and specifications for the sewer line extension must be approved by the City Engineer prior to construction. The engineering costs for the preparation of plans, specifications, and staking of the approach sewer line incurred by the property owner may be included in the agreed construction costs as provided for in this Section. The costs of distribution mains within the boundary of the project shall not be eligible for repayment.

(e) Agreements must be executed prior to construction of the wastewater main and shall run for a period not to exceed ten years from the date of execution by the City Engineer, who is authorized to execute the agreements in accordance with the provisions of this Code. The agreements shall automatically terminate at the end of a ten-year period or upon repayment of the total amount possible being repaid, whichever is earlier. The City will not approve and/or execute an agreement after construction or acceptance by the City of the wastewater main. There will be no repayments for buy-in assessments collected prior to receipt of the developer's request to enter into an agreement.

(f) Repayment will assist in establishing a reasonable charge to permit a connection. The connection charge will be made on a cost per frontage foot, using the agreed wastewater main construction costs (and the extent to which new development is adjacent to the wastewater main), less the repayment transaction fee established by the City Council to cover administrative costs associated with the repayment agreement.

(g) The City Engineer will determine the amount of footage to be reimbursed, and such determination will be made a part of the agreement. Such agreements must be recorded in the office of the Maricopa County Recorder.

(h) The City will make repayments within 60 days of receipt of payment from adjacent property owners. The developer to whom the reimbursement is to be made must be stated on the agreement at the time of execution and it will be the duty of the developer (the individual to whom reimbursement is to be made) to keep the City Engineer advised as to the correct mailing address, etc. for reimbursement. Repayment agreements under this Chapter may be assigned to subsequent property owners of property who purchase or acquire the entire interest of the original property owner who entered into the repayment agreement and in accordance with the specific terms of the repayment agreement.

(i) The City retains and reserves the right (and ability) to enter into separate special agreements to cover unique situations where a standard repayment agreement is not applicable.

(j) Where existing wastewater system lines within a development or along streets bounding the development are smaller in size than that required by this Code, or are otherwise

inadequate, the property owner may be required to replace or parallel such lines with those of the required size.

State Law Reference. A.R.S. '48-571; '48-701.

(Ord. No. 92-03, 2/11/92, Enacted)

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

(Ord. No. 08-35, 12/02/08, Repealed Sec. 25-92. Sewer extensions prior to a municipal improvement district or community facilities district., Enacted Sec. 25-92. Wastewater; repayments; sewer lines.) SUPP 2008-4

Sec. 25-93. Wastewater; system repair fees.

Any customer, developer, contractor, or other person who damages, cuts, destroys, or causes the need for repair to the City's wastewater collection system or any part thereof (i.e., mains, laterals, service connections, etc.) shall be held financially responsible for the cost of the repair. The City shall assess the responsible party for the cost of the repair in an amount in accordance with this Code.

(Ord. No. 92-03, 2/11/92, Enacted)

(Ord. No. 08-35, 12/02/08, Repealed Sec. 25-93.Wastewater; repayment zones; applicability.; Enacted Sec. 25-93.Wastewater; system repair fees.) SUPP 2008-4

Sec. 25-94. Reserved.

(Ord. No. 91-41, 11/12/91)

(Ord. No. 92-03, 2/11/92)

(Ord. No. 08-35, 12/02/08, Renumbered Sec. 25-77 Wastewater; Enforcement Response Plan to Sect. 25-94) SUPP 2008-4

(Ord. No. 09-39, 10/20/09, repealed) SUPP 2009-4

Sec. 25-95. Wastewater; Termination of service for violations; restoration of service.

Violation of this article is sufficient cause for the city to discontinue water or sewer service to any premises. Such service shall not be restored until the violations have been discontinued or eliminated and all outstanding charges paid. The discontinuance of sewer service shall be accomplished by physically cutting and blocking the building connection. A charge in the amount established by ordinance or resolution shall be paid to the city for reconnecting the sewer service.
(Code 1977, §§ 12-11-1 through 12-11-5)
(Ord. No. 92-03, 2/11/92, Renumbered)
(Ord. No. 94-16, 4/19/94, Amended)
(Ord. No. 96-13, 2/20/96, Amended)
(Ord. No. 97-42, 8/5/97, Amended (f))
(Ord. No. 99-96, 9/1/99, Deleted (e) (g) Amended (f) now (e) added new (g) (h) SUPP 1999-3
(Ord No. 01-162, 10/2/01, Deleted (e), Amended (f) now (e)) SUPP 2001-3
(Ord. No. 04-09, 02/03/04, Amended Table 25-95.1 and Table 25-95.2) SUPP 2004-1
(Ord. No. 05-65, 11/15/05, Amended Table 25-95.1) SUPP 2005-4
(Ord. No. 07-45, 12/18/07, Amended Table 25-95.1) SUPP 2007-4
(Ord. No. 08-28, 08/26/08, Enacted Table 25-95.1(b)) SUPP 2008-03
(Ord. No. 08-35, 12/02/08, Repealed Sec. 25-95. Sewer Development Fee, and Renumbered Sec. 25-80 Termination of service for violations; restoration of service. to Sec. 25-95 Wastewater; Termination of service for violations; restoration of service) SUPP 2008-4

Sec. 25-96. Wastewater; Sewer development fee.

(a) For single-family residences, multiple-family units, and commercial, industrial and institutional facilities connected or to be connected to the City's public waste water system a sewer development fee in addition to other sewer charges shall be charged. The fee to be charged for single-family residences and the fee to be charged for multiple-family dwelling units shall be based on an equivalent dwelling Unit basis in accordance with Table 25-96.1. In this section:

(1) *Multiple-family dwelling unit* means a mobile home space within a mobile home park, a travel trailer space within a travel trailer park, a hotel, motel, rest home, hospital, apartment, condominium, and any other building in which more than one (1) family may reside either temporarily or on a permanent basis.

(2) *Institutional facility* includes any public and private school, college, university, charity relief or rehabilitation center or church.

(3) *Single-family residence* means any unit attached or unattached in which only a

single-family may reside other than on a unit defined as a multiple-family dwelling unit.

(b) The sewer development fee shall be used to offset costs to the City associated with providing for the expansion of the City's public waste water system for the purpose of providing necessary services to the residences, units and facilities against which the fee is charged. Expansion to the City's waste water system includes but is not limited to, acquisition, construction and expense of waste water treatment plants, trunk lines to transport waste water, lift stations, debt service and other expenses or improvements related to the public waste water system.

(c) The sewer development fee charged in unincorporated areas to connect to the public wastewater system operated by the city, shall be the fee charged in the city, plus an additional factor as determined by the City Manager or his designee on an annual basis to reflect municipal contributions not charged in unincorporated areas. The City Manager or his designee may establish a sewer development fee in those portions of the City not designated as part of any area.

(d) The fee shall become due and payable to the City at such time as a building permit is issued for the unit, commercial or industrial project that will be connected to the public waste water system. For spaces in a mobile home or travel trailer park or multi-family housing, the sewer development fee shall become due and payable for all units at the time the first building permit is obtained for the construction of the project. For all other situations, the sewer development fee shall become due and payable as follows:

(1) An existing property within the city not connected to the public wastewater system requests to connect to the public wastewater system, or

(2) A property outside of the City not connected to the public wastewater system requests to connect to the public wastewater system.

See Table 25-96.1

(e) A separate fund shall be kept and maintained for the waste water system development fees into which the moneys collected from developments shall be deposited and accounted for. The fees deposited to each such account shall be used only for uses provided for in this section and result in a beneficial use to development. The moneys in the separate account may be used by the city for the uses contemplated by this section without regard to the situs of such improvements, facilities or work to be performed so long as such expenditures result in a beneficial use to development from which they were collected.

(f) For each non residential use, a presumptive equivalent dwelling use shall be established based upon the Average Daily Sewage Flow established by the Arizona Department of Environmental Quality as set forth in Table 25-96.2. Any person may request the Utilities Director to review the presumptive equivalent dwelling use based on the following:

(1) Water Use Records for a period not less than twelve months from other similarly sized facilities located in the Southwestern United States owned or operated by the

applicant.

(2) A fixture units analysis for the use that equates the total number of fixture units to an equivalent dwelling unit basis and done in accordance with generally accepted professional standards.

Upon receipt of the above, the Utilities Director shall establish a new equivalent dwelling use and shall notify the applicant and Community Development Department in writing.

(g) Applications for credits and offsets against water system development fees imposed under this section shall be made in the manner provided by Section 20-54 of this Code.

25-96. Reserved.

(Ord. No. 91-41, 11/12/91)

(Ord. No. 92-03, 2/11/92)

(Ord. No. 08-35, 12/02/08, Enacted Sec. 25-96 Wastewater; Sewer development fee.) SUPP 2008-4

Sec. 25-97. Interference with City employees; digging up streets without permit; tampering with equipment prohibited.

Every person who shall in any way interfere with employees of the City in any discharge of their duties, either in the tapping of any sewer pipe, main, or lateral belonging to the City, or the cleaning, laying, or connection of any such pipe or main or lateral, or who shall dig up or cause to be dug up, any street or alley in the City for the purpose of connecting with the sewer system of the City without first obtaining a permit from the City Engineer, or who, having a permit, shall dig up any portion of any street or alley of the City for the purpose of connecting with the sewer system of the City, and shall fail or neglect to place the street or alley in its original condition, or who shall maliciously or willfully break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the municipal sewer system shall be guilty of a misdemeanor.

(Ord. No. 91-41, 11/12/91)

(Ord. No. 92-03, 2/11/92)

(Ord. No. 08-35, 12/02/08, Renumbered Sec. 25-81. Interference with city employees; digging up streets without permit; tampering with equipment prohibited. to Sec. 25-97. Interference with City employees; digging up streets without permit; tampering with equipment prohibited.) SUPP 2008-4

Sec. 25-98. Wastewater; unsanitary disposal of excrement prohibited.

It shall be unlawful for any person to deposit, or permit to be deposited, in an unsanitary manner, upon public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement or other objectionable waste.

(Ord. No. 91-41, 11/12/91)

(Ord. No. 92-03, 2/11/92)

(Ord. No. 08-35, 12/02/08, Enacted Sec. 25-98 by Renumber Sec. 25-83. Wastewater; unsanitary disposal of excrement prohibited. to Sec. 25-98) SUPP 2008-4

Sec. 25-99. Reserved.

State Law Reference A.R.S. §49-391, Local Enforcement of Water Pretreatment Requirements; Civil Penalities.

(Ord. No. 92-03, 2/11/92, Renumbered)
(Ord. No. 95-66, 8/1/95, Repealed)
(Ord. No. 95-66, 8/1/95, Enacted)
(Ord. No. 02-41, 6/7/02, Amended) SUPP 2002-2
(Ord. No. 04-197, 9/21/04, Amended) SUPP 2004-3
(Ord. No. 08-35, 12/02/08, Amended) SUPP 2008-4
(Ord. No. 09-39, 10/20/09, renumbered to 25-136) SUPP 2009-4

Sec. 25-100. Wastewater; discharges; prohibited substances.

(a) It shall be unlawful for any person to discharge or cause to be discharged to the sanitary sewers:

(1) Any storm water, surface water, ground water, roof runoff, surface drainage, cooling water or unpolluted process waters that may constitute inflow as defined in this Chapter.

(2) Pollutants which create a fire or explosion hazard to the system or POTW with a flashpoint limit or less than 140° Fahrenheit or 60° Centigrade (using the test methods specified in 40 CFR 261.21).

(3) Solid or viscous pollutants, animal fats, oils and grease, petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that may cause interference or pass-through or that may cause obstruction to the flow in sewers or other damage to the POTW.

(4) Any waters or wastes containing toxic, radioactive, poisonous or other substances in sufficient quantity to cause or have the potential to cause injury or interfere with any sewage treatment process, cause corrosive structural damage, constitute a hazard to humans or create any hazard to the sewerage system or in receiving waters of the POTW or pollutants which result in the presence of toxic gases, vapors of fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(5) Any water with a pH less than 5.0 standard units (S.U.) or greater than 10.5 S.U. However, the Utilities Director shall have the authority to adopt, implement and enforce a policy on waivers from the pH low and high limits.

(6) Any waters with a temperature greater than 150f = 65.49C or 66C = 150.8F, or heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no event heat in such quantities that the temperature at the headworks of the POTW treatment plant exceeds 104° Fahrenheit (40° Centigrade).

(7) Any water or waste exceeding the limits for the substances (shown on Table 25-100) that are expressed in the total form except if otherwise stated:

SEE TABLE 25-100

(b) Provide all of the pretreatment necessary to comply with the categorical standards, pretreatment requirements and Best Management Practices imposed by this Chapter.

(c) The Utilities Director shall issue and enforce, through the issuance of wastewater contribution permits, other prohibitions and limitations required by state and federal law, or as the Utilities Director deems necessary.

(d) There shall be no new connections from inflow sources as defined in this Chapter into the POTW.
(Ord. No. 91-41, 11/12/91, Enacted)
(Ord. No. 92-43, 11/3/92, Amended)
(Ord. No. 95-66, 8/1/95, Amended)
(Ord. No. 02-41, 6/7/02, Amended) SUPP 2002-2
(Ord. No. 04-197, 9/21/04, Amended text and table) SUPP 2004-3
(Ord. No. 08-35, 12/02/08, Amended) SUPP 2008-4

Sec. 25-101. Wastewater facilities; permit required.

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the director.
(Code 1977, § 12-4-1)

Sec. 25-102. Wastewater; application for building connection.

Each person making application for a building connection of a sewer shall present a valid plumbing permit issued by the city to the city engineer as a prerequisite for the approval of the requested building connection. All applications for building connections to be constructed by the city shall be accompanied by the current fee for such work.
(Code 1977, § 12-4-2)

Sec. 25-103. Wastewater; approval of design, number, location, size and construction of connections.

The design, number, location, manner of connection and size of all building connections to sewers shall be subject to the approval of the director. The city will install all building connections less than eight (8) inches in diameter, except as provided elsewhere in this article. All building connections eight (8) inches in diameter or larger shall be installed by a private contractor at the property owner's expense. Building connections shall be installed on lateral sewers only, unless

specifically authorized and approved by the director. All building connections shall be constructed

in accordance with standards and specifications on file with the city.
(Code 1977, § 12-4-3)

Sec. 25-104. Installing building connections in new subdivisions and developments.

In new subdivisions or developments where public sewer extensions are authorized by the city and constructed at the developer's expense, the city may authorize the developer or his agent, if he so desires, to install building connections with wyes or tees and connect the building sewers to the building connection under the following provisions:

(1) The construction of the public sewer, building connections, and connections of the building sewers to the building connection shall be under the supervision of a registered civil engineer holding registration in the state, who shall submit “as-built plans,” bearing the registered civil engineer's registration seal and number, to the city. It shall be the duty of the developer to require that all building connections, serving lots in the development upon which no buildings are constructed, be effectively sealed until such time as buildings will be constructed on the lots left vacant. Such sealed connections shall be inspected and approved by the director before being backfilled and shall be designated and located on the “as-built plans.” The effective seal shall consist of a vitrified clay stopper inserted in the bell of the sewer extending to the property line from the public sewer. Such stopper shall be jointed according to the standard details on file with the city. The stopper shall be permanently flagged by attaching one (1) end of a length of copper wire to the stopper and the other end to a broken piece of clay pipe, which shall be placed under the soil surface directly over the end of a sewer pipe.

(2) Before any building sewer construction is commenced, plumbing permits must be obtained by the developer or his agent from the city.

(3) When the “as-built plans” are submitted to the city, a record of the building connections will be made.

(Code 1977, § 12-4-4)

Sec. 25-105. City records.

The director shall keep a record of all building connections made, the purpose for which they are to be used.
(Code 1977, § 12-4-5)

Sec. 25-106. Wastewater; connections fee.

(a) The cost of making a tap or connection to the city-owned sewer line shall be one hundred twenty-five (125) percent of the actual cost to the city of making the tap or connection. This fee shall cover construction, administration and overhead costs.

(b) In addition to all other requirements, the connection fee to be paid by the owner of any

premises located outside the corporate limits shall be twice that paid within the corporate limits.

(c) No premises may be connected to the city sewer system until the required tap or connection fee is paid.
(Code 1977, § 12-4-6)

Sec. 25-107. Property owner responsible for cleaning, repair and replacement of building sewers and connections.

(a) The property owner shall be responsible for the cleaning, unstopping, maintenance, and repair of the building connection piping serving his property from his home or building to the public sewer line.

(b) Where the correction of the stoppage requires the repair or replacement of a damaged or broken section of the building connection and the damaged or broken section is located off property in a street or alley, the necessary repairs must be made by a licensed contractor, the scope of which license allows him to work within a public right-of-way subject to securing a permit from the Engineering Department.
(Code 1977, § 12-1-4)
(Ord. No. 90-11, 4/10/90)
(Ord. No. 91-41, 11/12/91, Amended)

Sec. 25-108. Wastewater; treatment of polluted wastes required.

It shall be unlawful to discharge without a City permit to any natural outlet within the City, or in any area under the jurisdiction of the City and/or to the POTW, any wastewater, industrial wastes, or other polluted waters, except where suitable treatment has been provided and as authorized by the director in accordance with the provisions of this Code.
(Ord. No. 95-67, 7/31/95, Reserved Sec. 25-108)
(Ord. No. 08-35, 12-02-08, Renumbered Sec. 25-84. Wastewater; treatment of polluted wastes required. to Sec. 25-108) SUPP 2008-4

Sec. 25-109. Wastewater; private sewage disposal systems, connection with sewer system.

It is the City's intent to have all properties with the City's sewer service area to be connected to the City's wastewater collection system.

(a) Except as provided in this chapter, it is unlawful to construct or maintain within the city any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(b) It shall be unlawful to construct or maintain within the City any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage on a parcel less than 43,560 square feet in size, without a private sewage disposal permit issued by the County. If such a permit is granted by County, the Utilities Director may impose conditions upon the issuance of the building permit including but not limited to the installation of dry sewer lines, construction of

a package sewer plant or development of a community sewage disposal system.

(c) All development within the City's wastewater service area and within a quarter of a mile (1,320 feet) from a City sewer line is required to connect to the City's sewer system. The extension of a City sewer line and the connection to the City's sewer line will be constructed in accordance with City standards and City approved plans. Such extension and connection shall be the sole financial responsibility of the developer and/or customer. The connection to the City's sewer system and the extension of the sewer line are a condition of issuance of a building permit. The Utilities Director will have discretion to allow variances to this requirement for single lot residential developments if such development is on a major arterial road or if the connection is determined not to be feasible.

(d) At such time as a public sewer system becomes available to the property served by a private sewage disposal system, the Utiliites Director shall notify each property owner that a direct connection shall be made to the public sewer in accordance with the provisions of this Code.

(e) Where a public sanitary sewer is not available within the City, or in any area under the jurisdiction of the City, the building sewer shall be connected to a private sewage disposal system, permitted and complying with the rules and regulations of the state and county. A private sewage disposal system shall be constructed, maintained and operated at all times in a sanitary manner and in accordance with the terms of any private sewage disposal system permit issued by the state and county.

(f) None of the provisions of this section shall be construed to interfere with any additional requirements that may be imposed by the state and county.
(Ord. No. 95-67, 7/31/95, Reserved Sec. 109)
(Ord. No. 08-35, 12/02/08. Enacted by Renumbering Sec. 25-85. Wastewater; private sewage disposal systems, connection with sewer system. to Sec. 25-109) SUPP 25-4

25-110. through 25-112. Reserved.
(Ord. No. 95-67, 7/31/95)

Sec. 25-113. Environmental Mandate Fees.

(a) There shall be an environmental mandate fee designated on the monthly sewer service bill as the EPA Mandate Fee and added to each monthly sewer service billing issued by the City. The purpose of this charge is to identify and communicate separately the costs imposed on the City by the United States Environmental Protection Agency and the State of Arizona Department of Environmental Quality in the pretreatment and treatment of wastewater and to reimburse the City for the costs of meeting environmental standards and regulations related to water quality.

(b) All sewer user accounts shall be charged the environmental mandate fee on the monthly utility bill, which shall be a separately identified charge.
(Ord. No. 95-67, 7/31/95, enacted)

Sec. 25-114. Sewer Environmental Mandate Fee.

(a) In addition to other rates and charges set forth in this chapter, there shall be charged monthly the sewer environmental mandate fee set forth in Table 25-C attached to this ordinance for customers receiving City of Peoria sewer service located inside or outside of the City of Peoria.
(Ord. No. 95-67, 7/31/95, enacted)

Sec. 25-115. Utilization of Environmental Mandate Fee Revenues.

(a) Financial records shall be maintained for the proper distribution of environmental mandate fee revenues.

(b) The environmental mandate fee revenues may be utilized for any of the following purposes:

(1) Operation, maintenance and replacement costs of the City's industrial user pre-treatment program or advance sewage treatment operations.

(2) Administrative allocations of costs that support the operation of the City's industrial user pre-treatment program or advanced sewage treatment operations.

(3) Debt service and direct capital costs incurred for facilities and equipment required for the City's industrial user pre-treatment program or advanced sewage treatment operations

(4) Additional water quality programs required by the National Pollutant Discharge Elimination System (NPDES) permit and surface water quality standards such as industrial pretreatment enforcement and monitoring, customer education, laboratory analysis and monitoring.

(Ord. No. 95-67, 7/31/95, enacted)

Sec. 25-116. Sewer rates and charges; generally.

(a) In order to provide for the protection of the public health, safety and welfare of the citizens of the city, a system of charges for sewerage use services is established.

(b) The council shall by ordinance or resolution establish sewer user charges.

(c) Sewer user charge rates shall be reviewed at least biennially. Such review shall result in revision of user charges to:

(1) Maintain the proportionate distribution of operation and maintenance costs among users and user classes.

(2) Generate sufficient revenue to pay the total costs necessary to the proper operation and maintenance of the sewerage system.

(3) Apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly.

(d) The finance director or city manager shall submit to the council, at least every two (2) years, a sewer report including recommended rate schedules for each sewer user class. The city council shall adopt sewer user charges and rates by resolution.

(e) In addition to other pertinent factors deemed relevant by the council, the rate schedules adopted by the council shall be based upon the following cost factors:

(1) The total applicable cost of salaries and benefits of employees engaged in providing sewerage service.

(2) Applicable operating expenses, including parts, materials and services incurred in providing sewer service.

(3) Applicable equipment replacement costs necessitated by the provision of sewer services.

(4) Appropriate indirect costs of the department and other city departments in rendering sewer related services such as purchasing, accounting, billing and administration.

(5) Annual debt service charge for the retirement of sanitary sewer bonds.

(f) Rate schedules may distribute cost based upon the volume of wastewater discharged as well as Flow, BOD and SS of the wastewater discharged.
(Code 1977, §§ 12-5-1, 12-5-3(b) through (d), 12-5-7.3, 12-5-11, 12-5-12)
(Ord. No. 95-66, 8/1/95, amended (f))

Sec. 25-117. Annual notification to users.

Each user will be notified at least annually, in conjunction with a regular bill, of the sewer user charge rate and that portion of the total bill attributable to operation, maintenance and replacement costs for sewer service.
(Code 1977, § 12-5-7.1)

Sec. 25-118. Precedence of user charge system over inconsistent agreements.

The sewer user charge system shall take precedence over any terms or conditions of agreements or contract between the city and users which are inconsistent with the requirements of Public Law 95-217 and federal regulations issued pursuant thereto.
(Code 1977, § 12-5-7.2)

Sec. 25-119. Deposit.

(a) All persons applying for residential utility service from the city shall make a deposit equal to the amount established in Table 2-224 for each property for which utility service is requested. No deposit shall be required if the applicant or responsible party shows proof of ownership of the residential property for which utility service is requested.

(b) All commercial and multi-residential businesses applying for utility service shall place a deposit equal to the amount established in Table 2-224 for each property for which utility service is requested. However, a single deposit may be allowed for those entities applying for service at more than one property if the entity is a public elementary or secondary schools, state or county college, or other governmental agency.

(c) Notwithstanding any other provision of this section, if utility service has been discontinued, or where a customer service contact has been attempted or made, on account of default in payment two (2) times or more during any consecutive twelve-month period of time, the finance director may require a deposit from any property owner or entity equal to the amount established in Table 2-224.

(d) All deposits shall remain with the city to ensure payment of all utility bills. The deposit shall be non-interest bearing and shall be refunded to the applicant upon discontinuance of such service, and upon payment of all charges and surcharges for utility services to the premises for which the application is made, unless otherwise provided in this code.

(1) The deposit required by this section shall be applicable to all applications for utility service made to the city on or after June 13, 1991.

(Code 1977, §§ 12-5-8 through 12-5-10)
(Ord. No. 91-12, 5/14/91)
(Ord. No. 2010-35, 12/07/2010, Amended) SUPP 2010-4

Sec. 25-120. Determination of wastewater quantity and billings.

(a) For users with installed water meters that are to be billed on basis of water consumption, sewer charges herein shall become effective after each user's first regular meter reading. For uses to be billed on a flat rate the charges shall be effective on the first month after the rates established herein become effective.

(b) Any affected user who fails or refuses to install a water meter to any source of water supply used, within thirty (30) days after written notice by the director of finance to do so, shall be charged on water usage estimated by the director of finance.

(c) If a user discharges sanitary sewage, industrial wastes, water or other liquids into the city sewer system, either directly or indirectly, and it can be shown by such party, to the satisfaction of the director of finance that a portion of the water as measured by the water meter does not and cannot enter the sewer system, then the director of finance may determine in such manner and by such method as he may find practicable the percentage of metered water entering the sewer system. The quantity of water used to determine the sewer charge shall be that percentage, determined by the director of finance, entering the sewer system. In the absence of suitable data to make such a determination the sewer user charge will be based on the amount of water supplied to the premises. The director of finance may require or permit the installation of acceptable additional water or sewer meters at such party's expense and in such a manner as to determine the quantity of water actually entering the sewer system, in which case, the quantity of water used to determine the sewer charge shall be the quantity of water actually entering the sewer system as so determined.

(d) After installation of approved measuring equipment, it shall be the obligation of each user to conduct a test on such measuring equipment at least once every twelve (12) months to determine its accuracy and the results thereof shall be furnished in writing to the director. Those users seeking renewal of an industrial wastewater discharge permit or an interim industrial wastewater discharge permit shall file the results as part of the report required in this chapter. It shall also be the user's responsibility to notify the city within a reasonable time in advance so that the department may, if it chooses, have a witness present during the test. If upon test the percentage of accuracy is found to be within the accuracy tolerance as established by the manufacturer's specifications, the measuring equipment shall be determined to have correctly measured the quantity delivered to the sewer system. If, however, upon test the percentage of accuracy is found to be in excess of the accuracy tolerance specified by the manufacturers, then the measuring equipment shall be immediately adjusted to register correctly the quantity delivered to the sewer system. The billings to such user shall be adjusted for a period extending back to the time when the inaccuracy began, if

such time is ascertainable, or for a period extending back one-half of the time elapsed since the date of the last test or the date of the last adjustment, if the time is not ascertainable.

(e) All users for which the water supply is from other suppliers of water shall furnish to the city either a certified meter reading of water delivered to its plant or company, or a copy of the billing from the water supplier. In this event, the user's charges will be calculated and the same conditions will apply as if the city were the supplier of water to the user.
(Code 1977, § 12-5-13)

Sec. 25-121. Billing and payment.

(a) All sewer rental charges to be added to, and collected with, the bills rendered for water service by the city. Where the user does not use city water the bill shall be due for sewer service rendered. All rules and regulations promulgated by the city shall apply to, and be effective in, the collection of sewer service charges.

(b) All sewer user accounts shall be carried on the books of the finance department by the house and street number. All notices sent out by the city regarding sewer user accounts, and all notices regarding any other matter pertaining to the use of the city sewer system shall be sent to the house and street number of such property. Should the owner of the property desire personal notice from the city, he should file an application on a form to be furnished by the finance department. To insure proper delivery of notices, all errors in house numbers should be promptly reported to the finance department.
(Code 1977, §§ 12-5-6, 12-5-15(a))

Sec. 25-122. Due date; collection procedures and remedies.

(a) All utility rates and service charges are due and payable when rendered and shall be delinquent twenty (20) days after date rendered. Any delinquent account requiring special collection effort may be assessed a delinquent collection charge, as established by the finance director subject to the approval of the city manager. If the total of such bill shall not be paid within five (5) days after date of delinquency and notice of delinquency having been given, utility service may be disconnected from the premises of the delinquent consumer and a delinquent turn-off fee charged to customer's account. The delinquent turn-off fee plus the total amount of the bill due and any deposit, if such deposit is required, shall be collected before again providing utility service. In addition to all other remedies, a service charge of one and one-half (1 1/2) percent shall be charged on past due amounts.

(b) A consumer's utility service may be disconnected for nonpayment of a bill for utility service rendered at a previous location served by the city, provided such bill is not paid within twenty (20) days after the unpaid bill has been presented to the consumer at his new location.

(c) When a user of the utility system has been notified of the amount of utility user charges remaining due after the deduction of his trust deposit, and payment for same has not been received, the finance director may assign the account to a bona fide collection agency.

(d) Before utility service will be turned on to any premises all charges against the premises then due and payable to the city as required by this article, including any of the following items must have been paid:

(1) On account of labor supplied or materials furnished by the city in the installation of service pipes connecting the premises with the city utility mains, or for tapping the city utility system.

(2) On account of utility service previously supplied to the premises.

(3) On account of the assessment of any fine or penalty, or for turning utility services off or on, or for repair or replacement of damaged, stolen or misused utility works facilities.

(e) Before discontinuing utility service for nonpayment of any utility user charge, deposit or other assessment provided for in this article, the finance director shall give written notice to the person of the discontinuance and an opportunity to appear before the finance director or his designee on any disputed matter relative to the discontinuance of sewer service.

Charter reference(s) -- Assessments and liens authorized, art. I,§ 3(4).

(Code 1977, §§ 12-5-15(c), (d), (f), (g), 12-5-16)

(Ord. No. 2010-35, 12/07/2010, Amended) SUPP 2010-4

Sec. 25-123. Use of funds.

(a) Funds shall be established for the proper distribution of sewer revenues. They shall include, but not be limited to, the following:

(1) Sewer system operations and maintenance fund.

(2) Sewer system replacement and extension fund.

(3) Sewer system debt retirement fund.

(b) The distribution of sewer charges to the above funds shall be as follows:

(1) The applicable portion of the sewer use charge revenues shall be allocated to the sewer system operations and maintenance fund.

(2) The applicable portion of the sewer user charge revenues shall be allocated to the sewer system replacement and extension fund.

(3) The applicable portion of the sewer user charge revenues shall be allocated to the sewer system debt retirement fund.

(c) The utilization of the above funds shall be as follows:

(1) The sewer system operations and maintenance fund shall be utilized for personal services and operational expenses associated with the provision of sewerage system services.

(2) The sewer system replacement and extension fund shall be utilized for equipment replacement expenses associated with the provision of sewerage system services.

(3) The sewer system debt retirement fund shall be utilized in servicing the debt of retirement of sanitary sewer bonds.

(Code 1977, § 12-5-17)

Secs. 25-124. through 25-133. Reserved.

Cross reference(s) -- Definitions and rules of construction generally, § 1-2.

(Code 1977, § 12-2-3.2)
(Ord. No. 90-11, 4/10/90, Amended Sec. 25-133)
(Ord. No. 91-41, 11/12/91, Amended Sec. 25-133)
(Ord. No. 95-66, 8/1/95, Repealed and Reserved Sec. 25-133.)

Ordinance Number	Date	Section	Section this Code
		2	19-17 Amended
		3	19-18 Amended
		4	19-19 Amended
		5	19-20 Amended
		6	19-21 Amended by renumber 19-17 to 19-21
		7	19-22 Amended by renumber 19-18 to 19-22
		8	19-23 Amended by renumber 19-19 to 19-23
		9	19-24 Amended by renumber 19-20 to 19-24
		10	19-25 Amended by renumber 19-21 to 19-25
2010-06	02/02/2010	1	24-120 Enacted
		2	24-121 Enacted
		3	24-122 Enacted
		4	24-123 Enacted
		5	24-124 Enacted
		6	24-125 Enacted
		7	24-126 Enacted
		8	24-127 Enacted
2010-06	02/02/2010	9	24-128 Enacted
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		12	24-131 Enacted
		13	24-132 Enacted
		14	24-133 Enacted
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		16	24-135 Enacted
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		20	24-139 Enacted
		21	24-140 Enacted
		22	24-141 Enacted
		23	24-142 Enacted
		24	24-143 Enacted
2010-07	02/16/2010	1	17-66 Amended

Ordinance Number	Date	Section	Section this Code
2010-11	06/01/2010	1	12-350.3 Enacted
		2	12-415 Amended
		3	12-416 Amended
		4	12-417 Amended
		5	12-450 Amended
		6	12-570 Amended
2010-12	06/15/2010	1	Table 2-207 Amended
2010-13	07/06/2010	1	18-61 Amended
		2	18-62 Amended
			18-63 Amended
			18-64 Amended
		3	18-65 Amended
			18-66 Amended
		4	18-67 Amended
		5	18-68 Amended
		6	18-69 Amended
			18-70 Amended
		7	18-71 Amended
2010-25	09/07/2010	1	R12-100.1 to R12-571.1 Re-enacted
2008-30	09/16/2008	1	Appendix A
2010-26	09/07/2010	1	Appendix A
2010-29	10/19/2010	1	14-68 Amended
2010-30	10/19/2010	1	2-322 Amended
2010-32	11/16/2010	1	2-227 Amended
2010-33	11/16/2010	1	9-44 thru 9-45 Amended as Reserved
		1	9-46 Enacted
		2	9-47 Enacted
		3	9-48 Enacted
		4	9-49 Enacted
		5	9-50 Enacted
		6	9-51 Enacted
		7	9-52 Enacted
		8	9-53 thru 9-55 Enacted as Reserved
2010-35	12/07/2010	1	25-1 Amended
		2	25-119 Amended
		3	25-122 Amended

Ordinance Number	Date	Section	Section this Code
		4	2-406 Amended
		5	2-407 Amended
		6	2-410 Amended
		7	2-224 Amended
		8	Table 2-224 Amended

Ordinance Number	Date	Section	Section this Code

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