

Chapter 7

BUILDING

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Article 7-1 Building Code

Sections:

- 7-1-1 Adoption of International Building Code, 2006 Edition**
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Section 7-1-1

Adoption of International Building Code, 2006 Edition

A. That certain code entitled “International Building Code, 2006 Edition,” together with all the appendices thereto, published by the International Code Council, is hereby adopted as the building code of the city of Litchfield Park, for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures in the city, and made a part of this chapter the same as though said code was specifically set forth in full herein, except as the same is amended by the Litchfield Park 2008 Amendments to the International Codes. At least three copies of said code and appendices shall be filed in the office of the city clerk and kept available for use and inspection.

B. That certain document entitled “Litchfield Park 2008 Amendments to the International Codes” is hereby adopted as an amendment to the International Building Code, 2006 Edition, and this document is hereby referred to, adopted and made part of this chapter the same as though said document was specifically set forth in full herein; and at least three copies of said document shall be filed in the office of the city clerk and kept available for public use and inspection. (Ord. 08-140 § 1)

Section 7-1-3

Adoption of the International Residential Code, 2006 Edition

A. That certain document entitled “International Residential Code, 2006 Edition,” together with all appendices thereto, published by the International Code Council, is hereby adopted for regulating erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy,

equipment, use, height, area and maintenance of all R-3 occupancies in the city, and made a part of this chapter the same as though said code was specifically set forth in full herein, except as the same is amended by the Litchfield Park 2008 Amendments to the International Codes. At least three copies of said code and appendices shall be filed in the office of the city clerk and kept available for use and inspection.

B. That certain document entitled “Litchfield Park 2008 Amendments to the International Codes” is hereby adopted as an amendment to the International Residential Code, 2006 Edition, and this document is hereby referred to, adopted and made part of this chapter the same as though said document was specifically set forth in full herein; and at least three copies of said document shall be filed in the office of the city clerk and kept available for public use and inspection. (Ord. 08-140 § 1; Ord. 01-65)

Section 7-1-5 Conformance to Zoning Ordinance

Whenever a building permit is issued and a building inspection performed, such building must conform to the provisions of the Zoning Ordinance of Litchfield Park in addition to the provisions of this chapter.

Section 7-1-6 Adoption of Adobe Code

That certain code entitled “Adobe Amendments to the Uniform Building Code, 1982 Edition (Revised July, 1984)”, sponsored by the Maricopa Association of Governments, is hereby adopted as a supplement to the Uniform Building Code and made a part of this chapter the same as though said code was specifically set forth herein; and at least three copies of said code shall be filed in the office of the city clerk and kept available for public inspection.

Section 7-1-7 Building Permit Fees

Building permit fees shall be set from time to time by resolution of the council.

Section 7-1-8 Violation; Penalty

Any person found guilty of violating any provision of Section 7-1-1 shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed two thousand five hundred dollars or by imprisonment for a period not to exceed six months, or both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as herein described. (Ord. 04-93 § 4)

Article 7-2 Plumbing Code

Sections:

- 7-2-1 Adoption of International Plumbing Code, 2006 Edition**
- 7-2-2 Water Conservation**

Section 7-2-1 Adoption of International Plumbing Code, 2006 Edition

A. That certain code entitled “International Plumbing Code, 2006 Edition,” published by the International Code Council, is hereby adopted as the plumbing code of the city of Litchfield Park, for regulating the installation, alteration and maintenance of plumbing systems in the city, and made a part of this chapter the same as though said code was specifically set forth in full herein, except as the same is amended by the Litchfield Park 2008 Amendments to the International Codes. At least three copies of said code and appendices shall be filed in the office of the city clerk and kept available for use and inspection.

B. That certain document entitled “Litchfield Park 2008 Amendments to the International Codes” is hereby adopted as an amendment to the International Building Code, 2006 Edition, and this document is

hereby referred to, adopted and made part of this chapter the same as though said document was specifically set forth in full herein; and at least three copies of said document shall be filed in the office of the city clerk and kept available for public use and inspection. (Ord. 08-140 § 1)

Section 7-2-2 Water Conservation

A. General Provisions.

1. All new pools shall have a sewer clean out located within fifty feet of the pool pumping equipment to allow discharge from the emptied pool to enter the sewer system for reuse.

2. All new water services shall be required to install an approved shutoff valve within eighteen inches of the utilities water meter on the customer side. Customer is to be informed as to its location and operation.

3. All new parks and large turf-related areas shall be designed for ultimate irrigation by effluent.

B. Conflict With Plumbing Code. In the event of a conflict between any provision of the plumbing code and this section, the provisions of this section shall apply. (Ord. 00-59)

Article 7-3 Electrical Code

Sections:

- 7-3-1 Adoption of National Electrical Code, 2005 Edition**
- 7-3-2 Amendments to the National Electrical Code, 2005 Edition**
- 7-3-3 Public Utilities**

Section 7-3-1 Adoption of National Electrical Code, 2005 Edition

That certain code entitled “National Electrical Code, 2005 Edition,” together with all appendices thereto, published by the National Fire Protection Association, is hereby adopted as the electrical code of the city of Litchfield

Park, together with all appendices thereto, and made a part of this chapter the same as though said code was specifically set forth in full herein; except as the same is amended by the Litchfield Park 2008 Amendments to the International Codes. At least three copies of said code and appendices shall be filed in the office of the city clerk and kept available for public use and inspection. (Ord. 08-140 § 1)

Section 7-3-2 Amendments to the National Electrical Code, 2005 Edition

That certain code entitled “Litchfield Park 2008 Amendments to the International Codes” is hereby adopted as the supplement to the National Electrical Code and made a part of this article the same as though said code was specifically set forth in full herein; and at least three copies of said code shall be filed in the office of the city clerk and kept available for public use and inspection. (Ord. 08-140 § 1; Ord. 01-65)

Section 7-3-3 Public Utilities

Public utilities shall be exempt from compliance with the provisions of this article.

Article 7-4 Mechanical Code

Sections:

- 7-4-1 Adoption of the International Mechanical Code, 2006 Edition**

Section 7-4-1 Adoption of the International Mechanical Code, 2006 Edition

A. That certain code entitled “International Mechanical Code, 2006 Edition,” together with all appendices thereto, published by the International Code Council, is hereby adopted as the mechanical code of the city of Litchfield Park, for regulating and controlling

the design, construction, installation, qualities of materials, location, operation and maintenance or use of heating, ventilating, cooling, refrigeration systems, incinerators, and other miscellaneous heat-producing appliances within its jurisdiction, and this code is hereby referred to, adopted and made part of this chapter the same as though said code was specifically set forth in full herein, except as the same is amended by the Litchfield Park 2008 Amendments to the International Codes. At least three copies of said code shall be filed in the office of the city clerk and kept available for public use and inspection.

B. That certain document entitled “2008 Amendments to the International Mechanical Code, 2006 Edition” is hereby adopted as an amendment to the International Mechanical Code, 2006 Edition, and this document is hereby referred to, adopted and made part of this chapter the same as though said document was specifically set forth in full herein; and at least three copies of said document shall be filed in the office of the city clerk and kept available for public use and inspection. (Ord. 08-140 § 1)

Article 7-5 Fire Code

Sections:

- 7-5-1 Adoption of the International Fire Code, 2003 Edition**
- 7-5-2 Amendments to the International Fire Code, 2003 Edition**
- 7-5-3 Violation; Penalty**

Section 7-5-1 Adoption of the International Fire Code, 2003 Edition

That certain code entitled “International Fire Code, 2003 Edition,” published by the International Code Council, is hereby adopted as the fire code of the city of Litchfield Park, together with all appendices thereto, for regu-

lating requirements for fire protection for construction in the city and this code is hereby referred to, adopted and made part of this chapter the same as though said code was specifically set forth in full herein; and at least three copies of said code shall be filed in the office of the city clerk and kept available for public use and inspection. (Ord. 04-94 § 1)

Section 7-5-2 Amendments to the International Fire Code, 2003 Edition

That certain code entitled “International Fire Code, 2003 Edition,” is hereby amended as follows and made part of this chapter the same as though said code was specifically set forth in full herein; and at least three copies of said code shall be filed in the office of the city clerk and kept available for public use and inspection.

Section 101.1 is modified to read as follows:

101.1 Title. These regulations shall be known as the City of Litchfield Park Fire Code, hereinafter referred to as “this code.”

Section 109.3 is modified to read as follows:

109.3 Violation Penalties. Persons who shall violate 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 building code official or fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a Class 1 misdemeanor, punishable by a fine of not more than \$2,500.00 or by imprisonment not to exceed six months, or both such fine and imprisonment. Each day that a violation continues after such notice has been served shall be deemed a separate of-

fense and shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor.

Section 111.4 is modified to read as follows:

111.4 Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fee as established by the city of Litchfield Park building department.

Section 903.3.1.1.1. is deleted in its entirety and replaced with the following:

903.3.1.1.1 Exempt Locations. Automatic sprinkler systems shall not be required in R-3 occupancies less than 3,000 square feet with adequate water supply and fire apparatus access roads. The square footage shall be determined based on the total floor area including attached areas, buildings, or structures of other use groups as defined in this code.

Occupancies with alternative approved automatic extinguishing systems installed to protect special hazards or occupancies in lieu of automatic sprinklers as approved by the fire code official.

The following accessory structures shall be exempt from sprinkler requirements:

Detached storage sheds for private, residential, non-commercial use not exceeding 1,500 square feet.

Detached restroom buildings at parks, golf course and similar uses.

Detached fuel dispensing canopies, detached wash racks, detached private garages and sunscreen canopies.

Section 903.3.1.2.1 is deleted in its entirety. 903.3.5 Water Supplies. Section 903.3.5 is deleted in its entirety and replaced with the following:

Water supplies for automatic sprinkler systems shall comply with this section and the standards in Section 903.3.1. Automatic sprinkler system water supply data for hydraulic calculations shall be based on a curve that is 90 percent of the available water supply curve as determined by flow test information.

Section 903.6.1.1 is added to read as follows:

903.6.1.1 Limited Area Sprinkler Systems. Limited area sprinkler systems serving fewer than 20 sprinklers on any single connection are permitted to be connected to the domestic service where a wet automatic standpipe is not available. Limited area sprinkler systems connected to domestic water supplies shall comply with each of the following requirements:

1. Valves shall not be installed between the domestic water riser control valve and the sprinklers. In R-3 occupancies fire sprinkler piping shall connect to the domestic supply after the meter and after the main domestic shut off valve. Other than the combined shut off valve there shall be no connection for any purpose between the water meter and the fire sprinkler connection.

Exception: an approved indicating control valve supervised in the open position in accordance with Section 903.4.

2. The domestic service shall be capable of supplying the simultaneous domestic demand and the sprinkler demand required to be hydraulically calculated by NFPA 13, NFPA 13R or NFPA 13D.

Section 903.6 is deleted in its entirety.
Section 907.3 is deleted in its entirety.
Section 912.4.1 is added to read as follows:

912.4.1 Signs. When a building is served by multiple fire department connections, each connection shall be provided with an approved sign detailing the area served by the connection.

Section 912.5 is modified to read as follows:

912.5 Backflow Protection. The potable water supply to automatic sprinkler and standpipe systems shall be protected against backflow as required by the 1994 Uniform Plumbing Code.

Section 2208.3.2 is added to read as follows:

2208.3.2 Vehicle Impact Protection. Vehicle impact protection for CNG gas storage containers, pumps and dispensers shall be provided in accordance with Section 312.

3205.4.1.1 Ventilation. Section 3205.4.1.1 is modified to delete the exception in its entirety.

Section 3801.3 is modified to include the following:

3801.3 Construction Documents. LP-gas containers for exchange in any amount located at a consumer site require plan submittal and permit issuance in accordance with Section 105.7 and approval prior to installation.

(Ord. 04-94 § 1)

Section 7-5-3 Violation; Penalty

Any person found guilty of violating any provision of this article shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed two thousand five hundred dollars or by imprisonment for a period not to exceed six months, or both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as herein described. (Ord. 04-94 § 4)

Article 7-6 Fuel Gas Code

Sections:

7-6-1 Adoption of International Fuel Gas Code, 2006 Edition

Section 7-6-1 Adoption of International Fuel Gas Code, 2006 Edition

A. That certain code entitled “International Fuel Gas Code, 2006 Edition,” together with all appendices thereto, published by the International Code Council, is hereby adopted as the fuel code of the city of Litchfield Park, for regulating the installation, alteration and maintenance of natural gas systems in the city, and made a part of this chapter the same as though said code was specifically set forth in full herein, except as the same is amended by the Litchfield Park 2008 Amendments to the International Codes. At least three copies of said code and appendices shall be filed in the office of the city clerk and kept available for use and inspection.

B. That certain document entitled “Litchfield Park 2008 Amendments to the International Codes” is hereby adopted as an amendment to the International Fuel Gas Code, 2006 Edition, and this document is hereby referred to, adopted and made part of this chapter the same as though said document was specifically set forth in full herein; and at least three copies of said document shall be

filed in the office of the city clerk and kept available for public use and inspection. (Ord. 08-140 § 1)

Article 7-7 Energy Conservation Code

Sections:

7-7-1 Adoption of International Energy Conservation Code, 2006 Edition

Section 7-7-1 Adoption of International Energy Conservation Code, 2006 Edition

A. That certain code entitled “International Energy Conservation Code, 2006 Edition,” together with all appendices thereto, published by the International Code Council, is hereby adopted as the energy conservation code of the city of Litchfield Park, for regulating the installation, alteration and maintenance of energy systems in the city, and made a part of this chapter the same as though said code was specifically set forth in full herein, except as the same is amended by the Litchfield Park 2008 Amendments to the International Codes. At least three copies of said code and appendices shall be filed in the office of the city clerk and kept available for use and inspection.

B. That certain document entitled “Litchfield Park 2008 Amendments to the International Codes” is hereby adopted as an amendment to the International Energy Conservation Code, 2006 Edition, and this document is hereby referred to, adopted and made part of this chapter the same as though said document was specifically set forth in full herein; and at least three copies of said document shall be filed in the office of the city clerk and kept available for public use and inspection. (Ord. 08-140 § 1)

Article 7-8 Amendments to Uniform Codes

Sections:

7-8-1 Adoption of Amendments to Uniform Codes

7-8-2 Violation; Penalty

Section 7-8-1 Adoption of Amendments to Uniform Codes

A. That certain document known as the “City of Litchfield Park Amendments to Uniform Codes,” three copies of which are on file with the city clerk, is hereby adopted by reference as though set forth in full.

B. The building code of the city of Litchfield Park, adopted pursuant to Section 7-1-1 is further amended by amending Section 105.7 to read as follows:

105.7 Placement of Permit. The building permit or copy shall be posted in a front window on the site of the work, or if there is no front window in another conspicuous place, until the completion of the project.

(Ord. 08-140; Ord. 07-126 § 1; Ord. 01-65. Formerly 7-6-1.)

Section 7-8-2 Violation; Penalty

Any person found in violation of any provision of this article shall be responsible for a civil violation, punishable by a fine as set forth in Article 1-8. Each day that a violation continues shall be a separate offense punishable as herein described. (Ord. 08-140; Ord. 07-126 § 4. Formerly 7-6-2.)

Article 7-9 MAG Standard Specifications and Uniform Details for Public Works Construction

Those certain specifications entitled “MAG Standard Specifications and Uniform Details for Public Works Construction,” sponsored and distributed by the Maricopa Association of Governments (MAG), are hereby adopted by the city of Litchfield Park and made part of this chapter the same as though said specifications were specifically set forth in full herein; and at least three copies of said specifications shall be filed in the office of the city clerk and kept available for public use and inspection. (Ord. 08-140. Formerly 7-7.)

Article 7-10 Building Official

The building official and administrative authority, as such may be referenced in any section of this chapter for all matters pertaining to any building, plumbing, electrical or any other inspections, shall be vested in the office of the city manager or such other person the manager may appoint subject to council approval. (Ord. 08-140. Formerly 7-8.)

Article 7-11 Development Fees

Reserved for future use. (Ord. 08-140. Formerly 7-9.)

Article 7-12 Utility Poles and Wires

Sections:

- 7-12-1 Definitions**
- 7-12-2 Permit for Erection; Exceptions**
- 7-12-3 Procedure for Obtaining Permit; Denial and Appeal**
- 7-12-4 Standards for Issuance of Permits**

Section 7-12-1 Definitions

In this article unless the context requires otherwise:

A. “Distribution feeder” means that portion of the distribution system feeding from a distribution substation to a specific load area having a capacity of over three thousand KVA.

B. “Existing utility poles and wires” means such poles and wires and other facilities as are in place and in operation as of the effective date of this code and including repairs, replacement, relocations on the same alignment, additions, enlargements, betterments, changes or improvements hereinafter made to maintain or increase service capabilities of existing utility poles, wires, service drops and other facilities, but it does not include extensions made to existing distribution lines.

C. “Transmission line” means an electric line used for the bulk transmission of electricity between generating or receiving points and major substations or delivery points, having a rating of over twelve thousand volts.

D. “Utility poles and wires” means poles and structures, wires, cables, transformers and all other facilities used in or as a part of the distribution or transmission of telephone, telegraph, radio or television communications. (Ord. 08-140. Formerly 7-10-1.)

Section 7-12-2 Permit for Erection; Exceptions

After the effective date of this code, no new utility poles and wires shall be erected in the city above the surface of the ground unless a permit is first secured therefor from the city manager or his designee; except that the following construction may be installed without such a permit:

A. Temporary service facilities, such as facilities to furnish emergency service during an outage, facilities to provide service to construction sites, or other service of a limited duration, such as to a fair, carnival, outdoor exhibit or other function where the facilities will be installed for a temporary period only.

B. Pad-mounted transformers or pull boxes, service terminals, pedestal-type tele-

phone terminals, telephone splice closures, or similar on-the-ground facilities normally used with and as a part of an underground electric distribution, telephone, telegraph or television system, or on-the-ground facilities attached to existing overhead facilities which are used for the purpose of connecting an underground system with the existing facilities.

C. Transmission lines and distribution feeder lines, together with related switch yards, substations and related equipment. Service drops from existing overhead lines to new single-family residential customers, except when underground service is required by the city's subdivision regulations. (Ord. 08-140. Formerly 7-10-2.)

Section 7-12-3 Procedure for Obtaining Permit; Denial and Appeal

Any person seeking a special permit for erection of any new utility poles and wires within the city boundaries and above the surface of the ground shall first make application therefor to the city manager or his designee which application shall be approved or denied in writing. In the event the application is denied, the applicant may appeal the decision of the city manager or his designee by presenting his objections in writing to the council with a copy to the city manager or his designee within ten days of the city manager's or his designee's denial. The city manager or his designee may grant the permit within five days or shall submit the appeal together with a written report of his recommendations to the council within twenty days of the date of receipt of the appeal. The council may hear argument and shall decide the matter. (Ord. 08-140. Formerly 7-10-3.)

Section 7-12-4 Standards for Issuance of Permits

A special permit for erection of new utility poles and wires may be granted only in the

event the applicant make an affirmative showing that the public's general health, safety and welfare and that of adjacent property owners will not be impaired, endangered or jeopardized by the proposed erection. In deciding such matter, the following factors shall be considered:

A. The location and height of such poles and wires and their relation to present or potential future roads.

B. The crossing of such lines over much-traveled highways or streets; the proximity of such lines to schools, churches or other places where people congregate.

C. The probability of extensive flying in the area where such poles and wires are proposed to be located and the proximity to existing or proposed airfields.

D. Fire or other accident hazards from the presence of such poles and wires and the effect, if any, of same upon the effectiveness of fire fighting equipment.

E. The aesthetics involved.

F. The future conditions that may be reasonably anticipated in the area in view of a normal course of development.

G. The practicality and feasibility of underground installations of such facilities with due regard for the comparative costs between underground and overground installations; but a mere showing that an underground installation shall cost more than an overground installation shall not in itself necessarily require issuance of a permit. (Ord. 08-140. Formerly 7-10-4.)

Article 7-13 Installation of Mailboxes; Other Obstructions

A. It is unlawful for any person to fix in place an awning, balcony, bridge, curb, sidewalk, faucet, fence, hydrant, pipe or sign on, over, under or across any public street or alley right-of-way, park or public place, without having first obtaining permission to do so from the proper city official, provided however, that

mailboxes may be placed in the street right-of-way except that no portion thereof shall extend into or over any sidewalk, curb or improved street surface.

B. Prior to the installation of any mailbox on a street right-of-way, each resident shall sign an agreement holding the city completely harmless in all respects for any and all losses of any kind or description that may result from the mailboxes being placed on the right-of-way. (Ord. 08-140. Formerly 7-11.)

Article 7-14 Outdoor Light Control

Sections:

- 7-14-1 Purpose**
- 7-14-2 Applicability**
- 7-14-3 Standards**
- 7-14-4 Plan Required**
- 7-14-5 Non-Standard Lighting**

Section 7-14-1 Purpose

This article is intended to establish procedures and standards that insure minimal light pollution, reduce glare, increase energy conservation and maintain the quality of the city’s physical and aesthetic character. It is also intended to aid in the control of lighting which detrimentally affects astronomical observation. (Ord. 08-140. Formerly 7-12-1.)

Section 7-14-2 Applicability

A. This article shall apply to all outdoor lighting including, but not limited to, search, spot or floodlights for:

1. Buildings and structures;
2. Recreational areas;
3. Parking lot lighting;
4. Landscape lighting;
5. Other outdoor lighting.

B. These regulations shall not apply to lighting installed prior to adoption of this code. (Ord. 08-140. Formerly 7-12-2.)

Section 7-14-3 Standards

A. Recreation Lighting. The following standards apply to the lighting of all outdoor recreational facilities except baseball, softball, soccer, volleyball or football fields; driving ranges; outdoor arenas and amphitheaters, or other field recreation facilities.

1. The height of any light fixture or illumination source shall not exceed twenty feet.

2. All lighting or illumination units or sources shall be hooded or shielded so that they are not visible from any adjacent lot or real property.

3. Lights or illuminating units shall not direct light, either directly or through a reflecting device, upon any adjacent real property.

B. All of the recreational lighting excepted from the above standards shall meet the following standards:

1. All metal halide lamps shall be filtered by glass, acrylic or translucent enclosures.

2. No lighting of one hundred fifty watts or greater shall be used after 11:00 p.m.

C. Sign Lighting. External lighting of the face of signs shall be placed above the sign and shielded in a manner that the illumination source shall not be visible from any adjacent lot or real property.

D. Security, Landscaping, Architectural or Other Lighting. All other outdoor lights shall be shielded and directed according to the following schedule:

Wattage of Each Light Source	Shielding Required	Directed Downward
Up to 100	No	No
100 to 175	Yes	No
Over 175	Yes	Yes

E. Wherever practicable, lighting which is directed upward shall be located on the west or east sides of the object being lit.

F. Other Pole-Mounted Lighting (Parking, Walkways, Etc.). All lights mounted on poles eight feet or greater in height shall be directed down. The light source shall be shielded so that it will not be visible from any adjacent real property.

G. Mercury Vapor Lamps. The installation of mercury vapor fixtures is prohibited. (Ord. 08-140. Formerly 7-12-3.)

Section 7-14-4 Plan Required

All new construction or reconstruction shall submit an outdoor lighting plan for the entire site which indicates how the standards of this article are to be met. (Ord. 08-140. Formerly 7-12-4.)

Section 7-14-5 Non-Standard Lighting

Any lighting which does not meet the standards of this article shall require a use permit. (Ord. 08-140. Formerly 7-12-5.)

Article 7-15 Swimming Pools

Sections:

- 7-15-1 Approval of Plans**
- 7-15-2 Statement of Policy**
- 7-15-3 Lighting**

Section 7-15-1 Approval of Plans

All plans submitted to the city for swimming pools to be constructed shall show compliance with A.R.S. Section 36-1681, A.R.S. Section 36-1681, and final inspection and approval of all pools hereafter constructed shall be withheld until all requirements of A.R.S. Section 36 -1681 have been complied with. (Ord. 08-140. Formerly 7-13-1.)

Section 7-15-2 Statement of Policy

It is found, determined and declared that the maintenance of private swimming pools without appropriate precautionary measures constitutes a nuisance and severe hazard to the

safety of the inhabitants of the city, particularly children. (Ord. 08-140. Formerly 7-13-2.)

Section 7-15-3 Lighting

Any lights used to illuminate any swimming pool shall be so arranged and shaded as to reflect light away from any adjoining or neighboring premises. (Ord. 08-140. Formerly 7-13-3.)

Article 7-16 Construction in Public Rights-of-Way; Location and Relocation of Facilities in Public Rights-of-Way

Sections:

- 7-16-1 Permit Required; Contents of Application**
- 7-16-2 Traffic Control**
- 7-16-3 Fees**
- 7-16-4 Location and Relocation of Facilities in Public Rights-of-Way**

Section 7-16-1 Permit Required; Contents of Application

It shall be unlawful for any permittee to construct, reconstruct, repair, alter, or grade within the public rights-of-way without first obtaining a permit from the building department/public works department as provided in this section and complying with the zoning and subdivision codes of the city. As used in this section, the phrase “public right-of-way” shall mean rights-of-way dedicated to the public for roadway or other public purpose in which there are no utility easement rights acquired prior to such dedication. An applicant for a permit shall file with the city an application showing:

- A. Name, address and license number of the party doing the work.
- B. Location of the work area.
- C. Plans attached to the application showing details of the proposed construction. Such

plans shall be prepared and sealed by an engineer registered and licensed in the state, unless the permittee demonstrates to the satisfaction of the city that the work does not warrant imposing this requirement.

D. A traffic control plan in accordance with Section 7-16-2.

E. Estimated cost of alteration.

F. Such other information as the city finds reasonably necessary to determine compliance with city codes. (Ord. 08-140. Formerly 7-14-1.)

Section 7-16-2 Traffic Control

A. Traffic Control Plans. A permittee shall submit a traffic control plan application to the city at least two business days prior to the proposed start date of construction activities. The traffic control plan application must include a traffic control plan. The traffic control plan must be designed and submitted by a certified member of the American Traffic Safety Services Association (ATSSA).

B. Traffic Control Manual. The city designates the Phoenix Barricade Manual (1998 Edition) as a public record and hereby adopts the Phoenix Barricade Manual (1998 Edition) three copies of which are on file in the City Clerk's office as the city's official traffic control manual for construction work zones with the following changes:

1. Arrowboards are required for all lane closures on arterial streets.

2. Lane closures on arterial streets are not permitted between 5:30 a.m. and 8:30 a.m. or between 3:30 p.m. and 7:00 p.m. unless previously approved by the traffic engineer.

3. A permittee shall hire a uniformed off-duty police officer to be present when construction activities take place within three hundred feet of a signalized intersection or if required by the engineer. Permittees must arrange for a police officer five calendar days in advance of planned construction activities. (Ord. 08-140. Formerly 7-14-2.)

Section 7-16-3 Fees

Plan checking fees and inspection fees as established by the council by resolution shall be paid prior to issuance of a permit. Such fees shall be reasonably related to costs directly incurred in providing services relating to the administration of the permits. (Ord. 08-140. Formerly 7-14-3.)

Section 7-16-4 Location and Relocation of Facilities in Public Rights-of-Way

A. General. If the work to be performed in a public right-of-way as defined in Section 7-16-1 involves the installation, construction, erection, replacement or relocation of any facilities, a permit must be obtained from the Building Department/Public Works Department. Such permit shall be issued on such conditions as are reasonable and necessary to ensure compliance with the terms and conditions of city codes. The application shall include all information required in Section 7-16-1. Each permittee is responsible for ensuring that its facilities are installed, constructed and maintained in strict accordance with city codes; that all required licenses, franchises and other permits are applied for and obtained before any work commences; and that the terms and conditions thereof are strictly followed. Where a facility is used by more than one permittee, each permittee is fully responsible for ensuring that all requirements are satisfied. Facilities shall be installed, constructed and maintained so that no additional provision of this code, the zoning code or the subdivision code, or the provisions of any license, permit, or franchise issued by city, this shall require, at a minimum, compliance with the provisions of this subsection.

B. Joint Use of Trenches. In order to minimize degradation of streets, traffic impacts and other interference with the use of public rights-of-way, work shall be coordinated so

that to the greatest extent possible, consistent with economic feasibility, joint trenching is utilized. The building department/public works department shall adopt rules to facilitate joint trenching in the public rights-of-way.

C. **Traffic Safety.** The facilities to be constructed, installed, operated, and maintained by the permittee shall be so located or relocated as to interfere as little as possible with traffic or other authorized uses over, under, or through the public rights-of-way. Those phases of construction relating to traffic control, backfilling, compaction, and paving, as well as the location or relocation of said facilities shall be subject to regulation by the council.

D. **Records.** The permittee shall keep accurate records of the location of all facilities in the public rights-of-way and furnish them to the city upon request or at such periodic intervals as the city may require. In order for the city to regulate users in the public rights-of-way, upon completion of new or relocation construction of underground facilities in the public rights-of-way, the permittee shall provide the city with the location of the underground and above ground facilities in a format compatible with the current city mapping format.

E. **Restoration.** Whenever the permittee shall cause any opening or alteration to be made for any purpose in any public rights-of-way, the work shall be completed within a reasonable time, and the permittee shall, without expense to the city and upon completion of such work, restore the property disturbed in a manner consistent with the city's duly adopted standards, or as required by its permit, license, or franchise which may incorporate special standards when required for city purposes. Landscaping, whether in the public rights-of-way or on private property, which is damaged by a permittee shall be restored to its condition as it existed prior to the work. A permittee shall exercise special care when working near

established trees or shrubs. If established trees or shrubs die within six months of completion of work by a permittee, it is presumed that the permittee caused such damage if the work performed was in the location of the roots of such tree or shrub.

F. **City's Facilities.** The installation, use and maintenance of the permittee's facilities within the public rights-of-way authorized herein shall be in such a manner as not to interfere with placement, construction, use, and maintenance of public rights-of-way, street lighting, water pipes, drains, sewers, traffic signal systems, or other utility systems that have been, or may be, installed, maintained, used or authorized by the city. Upon the city's request, the permittee's facilities will be relocated at permittee's expense (unless state law expressly requires otherwise). Upon the city's request, by a time specified by the city, if the permittee fails to move its facilities, the city may do so and will bill the permittee the costs therefor and the permittee shall pay those costs within thirty days after its receipt of the invoice therefor. Further, the permittee shall reimburse the city any additional cost the city incurs due to the location or relocation of the permittee's facilities, including all design and construction costs.

G. **Interference.** The permittee shall not install, maintain, or use any of its facilities in such a manner as to damage or interfere with facilities of another located within the public rights-of-way.

H. **Location and Maintenance of Above-ground Facilities.** The location of above-ground facilities, such as boxes, cabinets and similar equipment or appurtenances, shall be approved by the city. The permit shall set forth the location of such aboveground facilities. If the city engineer determines that a proposed location would impair traffic visibility or visibility of existing signage or would substantially harm existing landscaping, or that similar conditions exist which would justify a

denial of a permit in that location, the permit shall be denied. Aboveground facilities shall be maintained in good condition. If the city finds any of permittee's aboveground facilities are not maintained in good condition, permittee shall correct such condition within three business days of receiving notice from the city.

I. Plans. Unless waived by the city engineer pursuant to Section 7-16-1C, all facilities shall be installed per plans prepared by a registered professional engineer. All plans shall be approved by the city before the work commences. A permittee may install facilities on existing utility poles or in existing conduit where permission is granted by owner of the utility pole or conduit, and such permission is verified by the city except where those same poles are scheduled to be replaced with buried facilities. The city may require the permittee to prove that it has such permission from the owner to use the owner's facilities. No new poles, or longer poles, will be permitted in the public rights-of-way for any new facilities. If permittee installs facilities on existing poles as provided herein, the permittee shall bury its facilities if such poles are removed and not replaced in kind for any reason. If the permittee makes use of existing conduit of another person, the permittee shall be subject to the provisions of this section in the use of such conduit in the public rights-of way. As used herein, a pole installed to replace a damaged pole or to remedy a safety hazard and which is substantially the same size as the pole being replaced shall not be considered to be a new pole.

J. Insurance, Bonding. Each permittee must obtain and maintain such insurance, bonding, and security fund requirements as specified by the city, or if no specific requirements are specified, as are required by the city for similar facilities. No work shall commence unless these requirements have been satisfied, and the city may require the permittee to remove or stop work on facilities or require a permittee to cease using the facility, when any

insurance, bonding and security fund requirements are not satisfied.

K. Repairs. A permit shall be obtained from the building department/public works department prior to a person removing, relocating, or reconstructing, if necessary, any portion of a person's facilities. Notwithstanding the foregoing, the city understands and acknowledges there may in instances when a person is required to make repairs, in compliance with federal or state laws, that are of an emergency nature. The permittee will notify the city prior to such repairs, if practicable, and will obtain the necessary permits in a reasonable time after notification.

L. Conflict with City Projects.

1. Identification of Conflict. If, during the design process of public improvements, the city discovers a potential conflict with proposed construction, the permittee shall either:

a. Locate and, if necessary, expose its facilities in conflict; or

b. Use the one-call notification center ("Blue Stake") to locate or expose its facilities. The permittee shall reimburse the city for the cost resulting from the use of such location service. The city shall make reasonable efforts to design and construct projects pursuant to this section so as to avoid relocation expense to the permittee. Permittee shall furnish the location information in a timely manner, but in no case longer than ten calendar days from the city's request.

2. Priority Right. The city reserves the prior and superior right to lay, construct, erect, install, use, operate, repair, replace, remove, relocate, re-grade, widen, realign, or maintain any public rights-of-way, aerial, surface, or subsurface improvements, including, but not limited to, traffic control conduits, storm sewers, subways, tunnels, bridges, viaducts, or any other public construction within the public rights-of-way.

3. Relocation. When the city invokes its prior superior right to the public rights-of-way,

the permittee shall move its facilities located in the public rights-of-way, at its own cost, to such a location as the city directs.

4. Procedures. If, during the course of the project, the city determines permittee's facilities are in conflict, the following shall apply:

a. Prior to the city notice to proceed to contractor:

The permittee shall, within a reasonable time, but in no event exceeding one month, remove or relocate the conflicting facility. This time prior shall begin running upon receipt by the permittee of written notice from the city. However, if both the city and permittee agree, the time frame may be extended based on the requirements of the project.

b. Subsequent to city notice to proceed to contractor:

The city and the permittee will immediately begin the coordination necessary to remove or relocate the facility. Actual construction of such removal or relocation is to begin no later than seventy-two hours, if practicable, after written notification from the city to proceed.

M. Damage to City Rights-of-Way and Facilities.

1. If, in the installation, use, or maintenance of its facilities, the permittee damages or disturbs the surface or subsurface of any public rights-of-way or adjoining public property, or the public improvement located thereon, therein, or thereunder, the permittee shall promptly, at its own expense, and in a manner acceptable to the city, restore the surface or subsurface of the public rights-of-way or public property, or repair or replace the public improvement thereon, therein, or thereunder, in as good a condition as before such damage or disturbance. If such restoration, repair or replacement of the surface, subsurface, or any structure located thereon, therein, or thereunder is not completed within a reasonable time, or such repair or replacement does not meet city standards, the city shall have the right to perform the necessary restoration, repair, or

replacement, either through its own forces, or through a hired contractor, and the occupant agrees to reimburse the city for its expense in so doing within thirty days after receipt of the invoice therefor.

2. The permittee shall reimburse the city for all reasonable costs arising from the reduction in the service life of any public road or pavement damage, if required by any other city ordinances, resulting from pavement cuts of permittee. Permittee agrees to pay such costs within thirty days from the date of issuance of an invoice from city.

N. Relocation of Facilities.

1. General. The city shall not bear any cost of relocation of existing facilities, irrespective of the function served, where the city facilities or other facilities occupying the public rights-of-way under authority of a city permit, license, or franchise which must be relocated, are already located in the public rights-of-way and the conflict between the permittee's potential facilities and existing facilities can only be resolved expeditiously as determined by the city by the movement of the existing city or other approved facilities.

2. Delay. If permittee's relocation effort so delays construction of a public project causing the city to be liable for damages, the permittee shall reimburse the city for those damages attributable to the delay created by the permittee.

3. City Costs. Except as otherwise provided in a license, franchise, or permit, or by other provision of law, the entire cost of relocation shall be borne by the city if the permittee is required by the city to relocate facilities which are located in private easements obtained by the permittee prior to the dedication of the public right-of-way from which facilities must be relocated. These prior rights of the permittee would also be unaffected by any subsequent relocation. "Prior rights" as used in this subsection means private easement or other legally sufficient rights obtained by

the permittee prior to the dedication of the public rights-of-way from which the facilities are requested by the city to be relocated.

O. Rights Reserved to City. Without limiting the rights that the city might otherwise have, the city hereby expressly reserves the following rights, powers and authorities:

1. To exercise its governmental powers now or hereafter to the full extent that such powers may be vested in or granted to the city.

2. To determine any question of fact relating to the meaning, terms, obligations, or other aspects of this chapter and the instruments issued under this chapter.

3. To grant multiple, nonexclusive licenses, franchises, or permits within the city to other persons.

P. City Police Power – Continuing Jurisdiction.

1. Police Power. The permittee shall at all times be subject to all lawful exercise of the police power by the city, including any and all ordinances, rules or regulations which the city has adopted or may adopt, and all laws, rules, regulations, order, and policies of the state and the United States government. Any conflict between the provisions of this section and other provisions of the city code, the stricter requirement shall apply.

2. Continuing Jurisdiction. The city shall have continuing jurisdiction and supervision over any facilities located within or on public rights-of-way. However, it is recognized that the daily administrative, supervisory, and enforcement responsibilities of the provisions of this article and any license or franchise shall be delegated and entrusted to the city manager or director of public works to interpret, administer, and enforce the provisions of this section, and to promulgate standards regarding the construction, reconstruction, relocation, maintenance, dismantling, abandonment, or use of the facilities within the public rights-of-way.

Q. Violation. From and after the effective date of the ordinance codified in this section, it

shall be unlawful for any person to occupy the public rights-of-way unless the person is in compliance with the provisions of this section and any other applicable ordinance, license, franchise or requirement. (Ord. 08-140; Ord. 99-56. Formerly 7-14-4.)