

ORDINANCE NO. 2016-04

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING CHAPTER 23 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTION 23-65 PERTAINING TO REVOCABLE PERMITS; AUTHORIZATION TO ISSUE; AMENDING TABLE 2-211(a) PERTAINING ENGINEERING DEPARTMENT FEES REQUIRED; AND PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

THEREFORE, it is ordained by the Mayor and Council of the City of Peoria, Arizona as follows:

SECTION 1. Chapter 23 of the Peoria City Code (1992) entitled Streets, Sidewalks and Public Improvements is amended by amending Section 23-65 entitled Revocable Permits; authorization to issue, as follows.

Sec. 23-65. Revocable Permits; authorization to issue.

(a) The Engineering Director or his designee is authorized to assess non-refundable fees for plan review and inspection services and issue revocable right-of-way permits to persons, associations or corporations, for the purpose of temporarily making use of the public rights-of-way for "minor" encroachments within said public right-of-way. Minor encroachments are herein defined as those underground facilities whose cross sectional areas are less than two feet across; and those encroachments whose surface and aerial uses are easily removed from the right-of-way as determined by the Engineering Director, including but not limited to the following:

Revocable right-of-way permits require submittal of an application together with the required number of complete construction plans (i.e., drawing, details, notes, etc.). Upon City receipt of the application and plans, the City will perform a technical review. Upon completion of the technical review, either a permit will be issued to the applicant or the application will be returned for addition modifications. If additional modifications or corrections are required, the applicant will be notified and must resubmit the application and plans after the required changes have been made.

(b) Plan review fees are due and will be collected at the time of the submittal of the application and submittal of the required number of plans or the utility company may be billed as determined by the City. Revocable right-of-way permits fees are due and will be collected at the time of the issuance of the permit. Revocable right-of-way permits shall not be issued charged where a franchise or license is there is a valid franchise or license and the franchise and license fees are in lieu of the payment of permit fees is required by state law or city charter for the requested use of the dedicated right-of-way.

(c) Revocable permits authorized pursuant to this section shall be subject to the following stipulations:

- (1) Property zoning regulations are not to be violated; rather the intent of the zoning regulation is to be applied to uses in the public right of way.
- (2) City codes are not to be violated unless permitted by law or variance.
- (3) All minimum street right-of-ways have been dedicated to the public.
- (4) The proposed use of the public right-of-way does not conflict with existing or proposed uses of the right-of-way.
- (5) Right-of-way selected for federal funding must be clear of all encroachments.
- (6) The use of the right-of-way will be further restricted by general and special conditions as determined upon review by the Engineering Director or designee.
- (7) The revocable right-of-way permit will contain standard and special conditions and terms and will be kept on file in the Engineering Department.

(d) All revocable right-of-way permits authorized herein shall be evidenced by a separate written revocable right-of-way permit, that permit shall be subject to the general and special conditions as determined necessary by the Engineering Director or designee.

(e) The Engineering Director or designee may require special conditions deemed necessary due to a particular type of encroachment or otherwise necessary to control use of the public right-of-way.

(f) Applicants for revocable permits (with the exception of persons, associations or corporations with a valid franchise or license and the franchise and license fees are in lieu of the payment of permit fees) shall pay all application fees and permit fees required by this code and shall secure all permits necessary to build their project.

(g) Revocable right-of-way permits authorized by the Engineering Director or designee are subject to revocation at any time in the discretion of the Engineering Director. Appeals may be made to the City Manager in the manner provided by section 23-80 of this code.

(h) If a revocable right-of-way permit project has not been completed prior to the permit expiration date, the applicant shall pay a renewal fee as established in Table 2-11(a) before resuming work or continuing work.

SECTION 2. Chapter 2 of the Peoria City Code (1992) entitled Administration is amended by amending Table 2-211(a) entitled Engineering Department Fees Required, by adding fees for non-city public utilities, as follows.

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

Item	Date Effective August 23, 2005
<u>CIVIL ENGINEERING PLAN REVIEW FEES</u>	
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
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] [per plan sheet]	Actual fees charged by contract courier \$360.00
Retaining Wall/Sound Wall Engineering Review Fee [per design]	\$500.00
Off site <u>Right-of-way/Civil</u> Improvement submittal – Office review [per plan sheet]	\$360.00
Off site <u>Right-of-way/Civil</u> Improvement submittal – Third and Subsequent office reviews [per plan sheet per review]	\$250.00
Off site <u>Right-of-way/Civil</u> Improvement Plan Revisions [per plan sheet]	\$360.00
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
Review and incorporation of subdivision plans into Computer Aided Design System [per hour]	\$82.00
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
Engineering/Utilities Fire Hydrant Layout Plan Review Fee [per plan sheet], plus street cut surcharge, per Peoria City Code, Section 23-54	\$360.00
Engineering review of Sewer Tap by Contractor - per tap [for single residential lot tap], plus street cut surcharge, per Peoria City Code, Section 23-54	\$150.00
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 \$150.00
Driveway Cut request review Fee – per driveway [for single residential lot driveways]	\$250.00
Traffic Control Plan Review Fee	\$100.00
Floodplain Research Results Letter	\$25.00
<u>REPORT REVIEW (Includes, but not limited to Drainage Reports, Water Model Reports, Bridge/Box Culvert Reports, Wastewater Reports, TIA's, Traffic Analysis Reports, etc.)</u>	
Master Residential Development (Greater than 500 lots) drainage report - Office review - per report	\$2,000 per request, plus \$2.50/Acre
Major Residential Subdivision (greater than 10 lots) drainage report - Office review - per report	\$250.00 per request, 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 per request, 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
Review of FEMA Maps Change: FEMA Community Acknowledgement Form Review, Elevation Certs, Conditional Letter of Maps Revision (CLOMR) and Letter of Map Revision (LOMR), CLOMAR-F, LOMR-F Review, etc.	\$2,000.00 per request, plus \$2.50/acre
<u>PROPERTY DEDICATIONS</u>	
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	\$1200.00 plus Per lot 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)	
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
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
<u>OPTIONAL PLAN REVIEW SERVICES</u>	
Expedited review Fee (50% of the standard review time frame at the time of the request or 21 calendar days, whichever is greater) Subject to approval of Engineering Director (or designee)	200% of Normal fee Minimum \$1000.00
<u>ADDRESSING FEES</u>	
Residential Street Addressing Fee - Per lot [does not apply to custom single residential lots]	\$25.00
<u>APPLICATION FEES</u>	
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
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
Temp Access Application Fee	\$50.00
Application and processing of Letter Agreements with City for special site development issues [per hour]	\$25.00
Application for alternate methods of subdivision assurances *minimum fee or \$25.00 per hour whichever is greater	\$150.00*
Application for acceptance of Private Streets into City System (Subject to City Engineer's approval)	\$400.00
Right-of-way Agreement Application Fee	\$4000.00 each
<u>COPY & RESEARCH FEES</u>	

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 \$0.50
Research, <u>Archived Document Retrieval</u> and Processing Fee – <u>Engineering Technician</u> per person minimum charge 1/2 hour [per hour]	\$80.00
Photocopies [per page] [up to 50 pages]* the City may elect not to charge isif the cost of charging exceeds the value of the photocopies	\$.20 \$.50
Photocopies [per page] [51st and all subsequent pages]	\$.15 \$.50
Recording and Document Handling Fee [plus actual cost billed by <u>Maricopa County</u> county Recorder to City]	\$35.00 \$54.00
Facsimile charge for providing information in addition to Photocopies – [per page] [Minimum charge of \$1.00]	\$1.00
Capital Improvements - 5 year Master Plan [per page] Minimum charge \$.50	\$.20 \$.50
Capital Improvements - water, wastewater Master Plan [per page] Minimum charge \$.50	\$.20 \$.50
Water/sewer/grading/paving Construction Schedule [per page] Minimum charge \$.50	\$.20 \$.50
<u>CD's Containing Documents [plus research, archived document retrieval and processing fee]</u>	\$15.00/CD
<u>CIVIL ENGINEERING INSPECTION PERMIT FEES</u>	
Capital Improvements Project Permit Fee	\$25.00
Engineering Inspection fee [0.035 of the contract price]	<u>Derived from 0.035% of an executed construction contract to be provided by the applicant</u>
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 Water Meter Tap (by Contractor) inspection fee per tap [for single residential lot tap], <u>plus street cut surcharge, per Peoria City Code, Section 23-54</u>	\$500.00
Driveway Cut Request inspection Fee – per driveway [for single residential lot driveways]	\$500.00
Fog Seal Fees charged at time of permit	\$0.21 /sy \$0.87/sy

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.	\$15.00
Minimum Residential Grading and Drainage Permit Charge -- \$100.00	\$100.00
Minimum Commercial Grading and Drainage Permit Charge -- \$200.00	\$200.00
"At-Risk" Grading & Drainage - Permit Application processing surcharge (in addition to the regular Grading & Drainage Permit Fee)	<u>Engineering inspection fee plus surcharge of 50% of the engineering inspection fee</u>
Retaining Wall /Sound Wall Permit [per square foot of wall] Wall height to include retained and un-retained height 0 - 500 square feet of wall 501 – 1000 square feet of wall Greater than 1000 square feet of wall	\$250.00 \$500.00 \$500.00 plus \$0.20/sq ft over 1000 sq ft
Grading and Drainage Permit Penalty for failure to obtain permit prior to authorization by City – Per day	\$1,000.00
<u>One time Permit Renewal Fee (application and payment must be received prior to expiration date of the permit)</u>	<u>50% of current permit fee</u>
Engineering inspection outside of normal working hours [per hour – 2 hours per incident minimum]	\$75.00
<u>Non-City Public Utility Fees</u>	<u>Date Effective April 20, 2016 Fee Amounts</u>
<u>Non-City Public Utility – Office review [per plan sheet]</u>	<u>\$250/sheet</u>
<u>Non-City Public Utility - Third and each review thereafter [per plan sheet per review]</u>	<u>\$100/sheet</u>
<u>Expedited Non-City Public Utility – Office review [per plan sheet]</u>	<u>\$500/sheet</u>
<u>Expedited Non-City Public Utility Plan Review – Third and each review thereafter [per plan sheet per review]</u>	<u>\$200/sheet</u>
<u>Trenching (no pavement cuts)</u>	

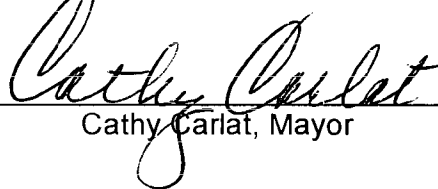
(a) <u>300 lineal feet or less</u>	<u>\$350/permit</u>
(b) <u>Additional lineal feet exceeding 300 lineal feet</u>	<u>\$1.50/lf</u>
<u>Trenching (pavement cuts/concrete work)</u>	
(a) <u>300 lineal feet or less</u>	<u>\$500/permit</u>
(b) <u>Additional lineal feet exceeding 300 lineal feet</u>	<u>\$3.00/lf</u>
<u>Manhole/Vaults/Pedestals/Cabinets/Access Points</u>	<u>\$150.00 each</u>
<u>Potholes</u>	<u>\$40.00 each</u>
<u>Pits</u>	<u>\$40.00 each</u>
<u>Horizontal Directional Drilling Pit</u>	<u>\$40.00 each</u>
<u>Horizontal Directional Drilling</u>	
(a) <u>300 lineal feet or less</u>	<u>\$350/permit</u>
(b) <u>Additional lineal feet exceeding 300 lineal feet</u>	<u>\$1.50/lf</u>
<u>Service Drops</u>	<u>\$60/Each</u>
<u>Street cut surcharge</u>	<u>See charges established in Section 23-54</u>
<u>Seal coat (same rate applies to all types of seal coats)</u>	<u>\$0.87/sy</u>
<u>Annual Blanket (Emergency) Permit</u>	<u>\$4,000.00</u>
<u>Wireless Antenna</u>	<u>\$200.00/location</u>
<u>Encroachment</u>	<u>\$180.00/Each</u>

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

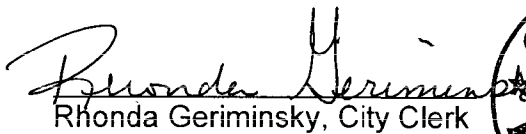
SECTION 4. This Ordinance shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria,
Arizona, this 15th day of March, 2016

CITY OF PEORIA, Arizona, an Arizona
municipal corporation

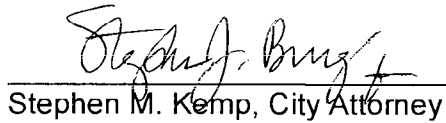

Cathy Carlat, Mayor

ATTEST:


Rhonda Geriminsky, City Clerk



APPROVED AS TO FORM:


Stephen M. Kemp, City Attorney

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