

ORDINANCE NO. O2021-016

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 210 OF THE YUMA CITY CODE, AS AMENDED, RELATING TO CONSTRUCTION STANDARDS AND ADOPTING SPECIFICATIONS FOR THE CONSTRUCTION OR ALTERATION OF STREETS, PUBLIC UTILITIES, PUBLIC RIGHTS-OF-WAY AND OTHER PUBLICLY OWNED PROPERTIES WITHIN THE CITY LIMITS OF THE CITY OF YUMA

WHEREAS, orderly development of land necessitates installation and/or modification of public improvements; and,

WHEREAS, construction of public improvements in accordance with established minimum standards of quality is necessary for the protection of health, property, safety and welfare of the general public in the City of Yuma; and,

WHEREAS, it is necessary to periodically review and update the minimum standards of construction of public improvements to coincide with changes in technology, procedures and common engineering and construction practices; and,

WHEREAS, Yuma City Code (YCC) § 210-09 and City of Yuma Ordinance No. O2018-007 authorizes and directs the City Engineer to establish and periodically review minimum standards of construction so that construction standards for the City of Yuma will comply with current standardized and recognized practices and will be compatible, within reason, with similar standards adopted by other governmental entities; and,

WHEREAS, the Maricopa Association of Governments publishes and updates the *Maricopa Association of Governments Uniform Standard Specifications and Details for Public Works Construction* (MAG Specifications) that are widely used by municipalities and firms constructing public improvements throughout the state of Arizona; and,

WHEREAS, the City of Yuma currently provides free internet access to the current MAG Specifications and *City of Yuma Supplement to MAG Uniform Standard Specifications for Public Works Construction* (Yuma Supplement) since March 2016 through the City of Yuma webpage; and,

WHEREAS, the Mayor and City Council adopted the 2018 revisions to the MAG Specifications dated January 2015 and the Yuma Supplement effective May 15, 2016 with Ordinance No. O2018-007.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Yuma, as follows:

SECTION 1: Yuma City Code § 210-04 is amended to insert the following bolded text and delete the strikethrough text:

§ 210-04 Building Material on Streets and Sidewalks.

It shall be unlawful for any person engaged in the construction of any building, or other public or private improvement, to leave any rock, brick, mortar, lumber or any building material of any kind whatsoever on any street, alley or sidewalk for more than three days after the completion of such improvement or for any time that would impede lawful **pedestrian or** vehicular traffic.

SECTION 2: Yuma City Code § 210-09 is amended to insert the following bolded text and delete the strikethrough text:

§ 210-09 Construction Standards.

(A) The “Construction Standard Detail Drawings, dated May 2019,” and current revisions thereto, by this reference made a part hereof, is adopted for the City of Yuma. ~~The “Maricopa Association of Governments Uniform Standard Specifications and Details for Public Works Construction dated January 2015,” and current revisions thereto, and the “City of Yuma Supplement to MAG Uniform Standard Specifications for Public Works Construction effective May 15, 2016,” and current revisions thereto, each by this reference made a part hereof, are adopted as the Construction Specifications for public improvements for the City of Yuma, Arizona.~~

(B) **The “Maricopa Association of Governments Uniform Standard Specifications” current edition and revisions thereto, and the “City of Yuma Supplement to the MAG Uniform Standard Specifications for Public Works Construction” effective May 15, 2016, and current revisions thereto, each by this reference made a part hereof, are adopted as the Construction Specifications for public improvements for the City of Yuma, Arizona.** ~~The City Engineer is hereby authorized and directed to periodically review the Construction Specifications and Construction Standard Detail Drawings and prepare amendments as the need may arise so that the adopted Construction Specifications and Construction Standard Detail Drawings will comply with current standardized and recognized engineering practice and will be reasonably compatible with similar standards adopted by other governmental entities. Unless previously adopted by resolution, such amendments shall be put into effect by ordinance of the City Council.~~

(C) **The City Engineer is hereby authorized and directed to periodically review the Construction Specifications and Construction Standard Detail Drawings and prepare amendments as the need may arise so that the adopted Construction Specifications and Construction Standard Detail Drawings will comply with current standardized and recognized engineering practice and will be reasonably compatible with similar standards adopted by other governmental entities. Unless previously adopted by resolution, such amendments shall be put into effect by ordinance of the City Council.** ~~The City Engineer, or his designated~~

~~representative, is authorized to allow exceptions and minor modifications, on a case-by-case basis, when physical conditions, good engineering practice and common sense dictate. Use of the Construction Specifications or Standard Detail Drawings does not relieve anyone of the necessity for following the accepted and adopted rules and practices of the Arizona State Board of Technical Registration as established in Arizona Revised Statutes.~~

(D) The City Engineer, or his designated representative, is authorized to allow exceptions and minor modifications, on a case-by-case basis, when physical conditions, good engineering practice and common sense dictate. Use of the Construction Specifications or Standard Detail Drawings does not relieve anyone of the necessity for following the accepted and adopted rules and practices of the Arizona State Board of Technical Registration and the Arizona Registrar of Contractors as established in Arizona Revised Statutes.

SECTION 3: Violations of this Ordinance are subject to the following penalties: Unless otherwise specifically provided for in this Ordinance, any person or corporation who shall violate any provision of this chapter shall be deemed guilty of a class 3 misdemeanor, and shall be punished as provided in § 210-99 of this code.

SECTION 4: Yuma City Code § 210-30(A) is amended to insert the following bolded text and delete the strikethrough text:

(A) All applications shall include, in addition to the normal permit, a plan review and inspection fee, excavation fee and a pavement cut surcharge. The fees and surcharges provided for herein shall be in addition to, and will not be offset by any license and franchise fees, expenses and taxes and permit fees. Fees and surcharges will be per the following table:

- (1) Plan review fee: \$100.00.
- (2) Inspection fee: \$70.00.
- (3) Excavation fee: \$100.00.
- (4) Pavement cut surcharge:
 - (a) Pavement less than 12 months old with:
 1. Openings less than ~~nine ten~~ **ten** square feet ~~or nine linear feet of trench~~: \$1,000.00.
 2. ~~Trenches~~**Openings** over ~~nine ten~~ **ten** square feet ~~long~~ for every **additional** 50 ~~linear~~ **square** feet or fraction thereof: \$2,500.00.
 - (b) Pavement 12 to 24 months old with:
 1. Openings less than ~~nine ten~~ **ten** square feet ~~or nine linear feet of trench~~: \$750.00.
 2. ~~Trenches~~ over ~~nine ten~~ **ten** square feet ~~long~~ for every **additional** 50 ~~linear~~ **square** feet or fraction thereof: \$1,875.00.
 - (c) Pavement 24 to 36 months old with:
 1. Openings less than ~~nine ten~~ **ten** square feet ~~or nine linear feet of trench~~: \$500.00.

2. Trenches over ~~nine~~ **ten square** feet ~~long~~ for every **additional 50 linear square** feet or fraction thereof: \$1,250.00.

SECTION 5: Violations of this Ordinance are subject to the following penalties:

It shall be unlawful for any person, firm or corporation to violate, or cause the violation of, any provision of this Ordinance. Unless otherwise specifically provided for in this Ordinance, any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a class 1 misdemeanor and shall be punished by a fine not to exceed \$1,000, or by imprisonment for not more than six months, or by both fine and imprisonment. Each separate day or part thereof during which and violation of this Ordinance occurs or continues shall constitute a separate offense, and upon conviction thereof, shall be punishable as herein provided.

SECTION 6: If any part or portion of this ordinance is found invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining part or portion of this ordinance.

Adopted this _____ day of _____, 2021.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney