

ORDINANCE NO. O2018-007

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 AND ADOPTING A PENALTY FOR VIOLATIONS THEREOF

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 O95-061 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 provided and currently provides free internet access to the 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, from June 2014 to April 2016, the City of Yuma conducted public outreach on its intent to adopt and utilize the MAG Specifications along with the Yuma Supplement as the standard requirements on City of Yuma public improvements; and,

WHEREAS, the Mayor and City Council declared the MAG Specifications dated January 2015 and revised 2018 and the Yuma Supplement effective May 15, 2016 as public records and directed three (3) copies to be filed with the Yuma City Clerk; and

WHEREAS, the MAG Specifications are well-known to those in the Arizona construction industry and the MAG Specifications with Yuma Supplement are currently being used almost uniformly since May 2016 by those construction firms constructing public improvements for the City of Yuma.

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

SECTION 1: *The Maricopa Association of Governments Uniform Standard Specifications and Details for Public Works Construction* dated January 2015, and current revisions thereto dated January 2018, along with the *City of Yuma Supplement to MAG Uniform Standard Specifications for Public Works Construction* effective May 15, 2016, three copies of which are on file with the Yuma City Clerk, are hereby incorporated and adopted by reference for the City of Yuma, Arizona.

SECTION 2: Yuma City Code § 210-09(A) is amended to add the following language:

The Maricopa Association of Governments Uniform Standard Specifications and Details for Public Works Construction dated January 2015, and current revisions thereto dated January 2018, and the *City of Yuma Supplement to MAG Uniform Standard Specifications for Public Works Construction* effective May 15, 2016, each by this reference made a part hereof, are adopted as the Construction Specifications for public improvements for the City of Yuma, Arizona.

SECTION 3: Yuma City Code § 210-09(B) is amended to read as follows where strike through indicates deletions and underline represents additions:

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

SECTION 4: Yuma City Code § 210-09(C) is amended to read as follows where strike through indicates deletions and underline represents additions:

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 ~~these construction standards by others~~ 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 the Arizona Revised Statutes.

SECTION 5: 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 chapter, any person or firm or corporation violating any of the provisions in this ordinance shall be guilty of a class 3 misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$500 or by imprisonment for not more than one day or by both fine and imprisonment. Each day the violation shall continue shall constitute a separate offense or misdemeanor.

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 _____, 2018.

APPROVED:

Douglas J. Nicholls
Mayor

ATTEST:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney