ORDINANCE NO. 782

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING CHAPTER 152 (GRADING AND DRAINAGE) OF THE CODE OF THE TOWN OF PAYSON, ALLOWING 'AT-RISK GRADING' DURING THE REVIEW OF OTHER DEVELOPMENT PLANS AND AMENDING THE DEFINITION OF PUBLIC WORKS ENGINEER. (AT RISK GRADING)

WHEREAS, Chapter 152 of the Code of the Town of Payson sets forth the grading and drainage requirements for all areas within the Town; and

WHEREAS, it is the desire and intent of the Mayor and Common Council to allow applicants to begin grading following an approved Grading and Drainage Plan but during the review process of other development plans ("At-Risk Grading"); and

WHEREAS, following the adoption of the Unified Development Code, the Town has changed job titles of various employees, including employees in the Engineering and Public Works Departments; and

WHEREAS, it is the desire of the Mayor and Common Council to amend the definition of the Public Works Engineer to conform with such changes,

NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. That Section 152.117(H)(3) of the Code of the Town of Payson is hereby amended, and as amended shall read as follows:

152.117(H)(3)

(a) The Town ~~Public Works~~ Engineer may issue a permit for the grading of a site when only a "Foundation Only" permit has been issued for building construction on the site before the entire building plans and specifications have been approved. However, any construction on the site is at the risk of the contractor and owner if there are changes required once the full plans are approved. The holder of the "Foundation Only" permit shall proceed without assurance that the permit for the entire building or structure will be granted.

(b) The Town Engineer may also issue an "At-Risk" Grading Permit for projects other than single and two family residential units if the following criteria is met:

(i) The Grading and Drainage plan for the project has been approved.

(ii) The Building Plans, including Landscaping Plans, have been submitted for review by the Town.

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(iii) The Developer has posted a bond in favor of the Town of Payson in an amount adequate to re-vegetate and landscape disturbed areas of the site. The intent of this bond is to pay for any site re-vegetation or landscaping needed to restore the site if the project does not receive a full building permit within 90 days. The amount of the bond shall be the estimated cost to re-vegetate and landscape the site determined by an Arizona Registered Professional. The bond will be released once Landscape Plans have been approved and a full building permit is issued for the project.

(iv) The Developer/Owner understands and agrees that all site work prior to the issuance of a full building permit is at their risk if any changes or modifications are required based upon final building plan approval.

(v) The holder of the "At-Risk" Grading Permit shall proceed without any assurance that the permit for the entire building or structure will be granted.

Section 2. That the definition of Public Works Engineer in Section 152.116 of the Code of the Town of Payson be and is hereby amended, and as amended shall read as follows:

TOWN ~~PUBLIC WORKS~~ ENGINEER. ~~The Town of Payson Public Works Engineer or his representative.~~ The Public Works Director or his designee. The Town Engineer shall be a licensed engineer in the State of Arizona.

Section 3. All uses of the term "Public Works Engineer" in Sections 152.110 through 152.130 of the Code of the Town of Payson shall be replaced with the term "Town Engineer."

Section 4. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance Number 782 are hereby repealed to the extent of such conflict.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance Number 782 is held for any reason to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the Mayor and Common Council of the Town of Payson declare that the provision or provisions of the Unified Development Code relating to such section, subsection, sentence, clause, phrase or portion predating the adoption of this Ordinance shall be in effect.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this 3rd day of June, 2010, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:

Silvia Smith, Town Clerk

Samuel I. Streichman, Town Attorney