

Title 15

BUILDINGS AND CONSTRUCTION

Chapters:

- 15.04 Uniform Building Codes**
- 15.08 Building Permits, Inspection Fees and Lead
Base Paint**
- 15.12 Fire Zones**
- 15.16 Flood Damage Prevention**
- 15.20 Flood Hazard Control**
- 15.24 Storm Water Pollution Prevention**

Chapter 15.04

UNIFORM BUILDING CODES

Sections:

15.04.010 Uniform building codes adopted by reference.

15.04.020 Violation—Penalty.

15.04.030 Arizonans with Disabilities Act adopted by reference.

15.04.010 Uniform building codes adopted by reference.

A. The following uniform codes are approved, enacted and adopted by reference, except for any penalty provisions contained therein: the International Building Code, 2006 Edition; International Residential Code, 2006 Edition; National Electrical Code, 2005 Edition; International Code Council Electrical Code, 2006 Edition; International Plumbing Code, 2006 Edition; International Fuel Gas Code, 2006 Edition; International Mechanical Code, 2006 Edition; International Existing Building Code, 2006 Edition; and International Energy Conservation Code, 2006 Edition. These codes will be collectively referred to in this code as “the uniform codes.”

B. At least three copies of each of the uniform codes shall be filed in the office of the city clerk and made available for public use and inspection. (Ord. 06-895 § 1-2, 2006; Ord. 746 §§ 1, 2, 1999)

15.04.020 Violation—Penalty.

Any person, firm, corporation or other entity violating any provision of the uniform codes designated in Section 15.04.010 shall be

deemed guilty of a class two misdemeanor and shall be punished according to the punishment established for class two misdemeanors by the Arizona Revised Statutes. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. 746 § 3, 1999)

15.04.030 Arizonans with Disabilities Act adopted by reference.

A. The standards and specifications set forth in Title 41, Chapter 9, Article 8 of the Arizona Revised Statutes (the “Arizonans With Disabilities Act”) and its implementing rules, including the “Americans With Disabilities Act Accessibility Guidelines for Buildings and Facilities,” which were published in the Arizona Register on September 27, 1996, are adopted and incorporated as an amendment to the Uniform Building Code, which was adopted by Ordinance 746, and are made a part thereof as though fully set forth therein, as applying to public entities. Such standards and specifications shall apply to new construction and alterations and are not required in buildings or portions of existing buildings that do not meet the standards and specifications.

B. The standards and specifications set forth in Title 41, Chapter 9, Article 8 of the Arizona Revised Statutes (the “Arizonans with Disabilities Act”) and its implementing rules, including the “Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities,” which were published in the Arizona Register on September 27, 1996, as applying to public accommodations and commercial facilities, are adopted and incorporated as an amendment to the Uniform Building Code, which was adopted by Ordinance 746, and are made a part thereof as

though fully set forth therein. Such standards and specifications shall apply to new construction and alterations commenced after December 18, 1996.

C. Three copies of the statutes and rules adopted herein by reference are on file in the office of the city clerk, and are ordered to remain on file with the city clerk. (Ord. 699 §§ 1, 2, 4, 1996)

Chapter 15.08

BUILDING PERMITS AND INSPECTION FEES

| | | | |
|-----------|---------------------------------------|--------------------------|---|
| | | \$500,000 | \$100,000 plus \$5.60 for each additional \$1,000, or fraction thereof, to and including \$500,000 |
| Sections: | | \$500,001 to \$1,000,000 | \$3,233.75 for the first \$500,000 plus \$4.75 for each additional \$1,000, or fraction thereof, to and including \$1,000,000 |
| 15.08.010 | Building Permits and Inspection Fees. | | |
| 15.08.010 | Building Permits and Inspection Fees. | \$1,000.001 and up | \$5,608.75 for the first \$1,000,000 plus \$3.65 for each additional \$1,000, or fraction thereof |

1. The building permit and inspection schedule of fees is hereby confirmed and the lead-based paint testing/inspection fees shall be set as follows:

| | |
|-----------------------|--|
| \$1.00 to \$500 | \$23.50 |
| \$501 to \$2,000 | \$23.50 for the first \$500 plus \$3.05 for each additional \$100, or fraction thereof, to and including \$2,000 |
| \$2,001 to \$25,000 | \$69.25 for the first \$2,000 plus \$14 for each additional \$1,000, or fraction thereof, to and including \$25,000 |
| \$25,001 to \$50,000 | \$391.25 for the first \$25,000 plus \$10.10 for each additional \$1,000, or fraction thereof, to and including \$50,000 |
| \$50,001 to \$100,000 | \$643.75 for the first \$50,000 plus 57.00 for each additional \$1,000, or fraction thereof, to and including \$100,000 |
| \$100,001 to | \$993.75 for the first |

Other inspections and fees:

1. Inspections outside of normal business hours: parks, ramada & carport 13.21 sq ft. \$47 per hour*(minimum charge-two hours)
2. Reinspection fees assessed under provisions of (IBC) Section 305.8: garage 28.70 sq ft. \$47 per hour*
3. Inspections for which no fee is specifically indicated, storage shed: 23.30 sq ft. \$47 per hour*
4. Additional plan review required by changes, additions or revisions to plans, residential living 52 sq ft. \$47 per hour* (minimum charge-one half hour)
5. For use of outside consultants for plan checking and inspections, or both, actual costs. **
6. Lead Base Paint inspection/testing fee shall be set at \$350.

* Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment,

hourly wages and fringe benefits of the employees involved.

** Actual costs include administrative and overhead costs.

(Ord. 10-982, § 1, 2010).

Chapter 15.12

FIRE ZONES

| | |
|-----|--------|
| C-3 | Zone 1 |
| M-1 | Zone 2 |
| M-2 | Zone 2 |
| M-3 | Zone 2 |
| S-U | Zone 2 |

Sections:

15.12.010 Classification.

15.12.010 Classification.

A. The entire incorporated area of the city is declared to be and is established as a fire district, and such fire district shall be known and designated as Fire Zones 1, 2 and 3, and each such zone shall include such territory or portions of such city as illustrated, outlined and designated on a certain map on file in the office of the city clerk, being marked and designated fire zones of the city, which is adopted as the fire zoning map of the city, for the application of the regulations included in the building code of the city adopted by this code, a copy of such map being attached hereto and made a part hereof by reference thereto.

B. The land use zones as set forth in the zoning ordinance of the city, the land use map made a part thereof and all amendments thereto shall be classified within the fire zones set forth as follows:

| | |
|-------|--------|
| R-1-A | Zone 3 |
| R-1-B | Zone 3 |
| R-1-C | Zone 3 |
| R-1-D | Zone 3 |
| R-M-1 | Zone 3 |
| R-M-2 | Zone 3 |
| R-M-3 | Zone 3 |
| O-1 | Zone 3 |
| C-1 | Zone 2 |
| C-2-A | Zone 1 |
| C-2-B | Zone 1 |
| C-2-C | Zone 1 |

C. Exceptions—Residential Dwellings. All single-family residential dwellings in Fire Zones 1 or 2 may be constructed, altered, remodeled or rebuilt with no fire zone restrictions other than those required by the building code for such dwellings and those restrictions required by Fire Zone 3 provided that such dwellings be used for single-family residential purposes only and further provided that such dwellings meet the requirements of residential land use zoning. (Ord. 362 § 2, 1968)

Chapter 15.16

FLOOD DAMAGE PREVENTION

Sections:

- 15.16.010 Code adopted.**
- 15.16.020 Content—Copies on file.**
- 15.16.030 Alteration of watercourses prohibited—Penalty.**

15.16.010 Code adopted.

Pursuant to the provisions of Arizona Revised Statutes Section 9-801 through 9-804 dealing with enactment of a code for public record by reference, the Flood Damage Prevention Code of 1988 of the city is adopted as a part of the organic law of the city, from and after the effective date of the ordinance codified in this chapter. (Ord. 536 § 1, 1988)

15.16.020 Content—Copies on file.

- A. The major provisions of the code are:
 - 1. Section 1, statutory authorization, findings of fact, purpose and methods;
 - 2. Section 2, definitions;
 - 3. Section 3, general provisions;
 - 4. Section 4, administration;
 - 5. Section 5, provisions for flood hazard reduction; and
 - 6. Section 6, variance procedure.
- B. At least three copies of the code shall be filed in the office of the clerk of the city and kept available for public use and inspection. (Ord. 536 § 2, 1988)

15.16.030 Alteration of watercourses prohibited—Penalty.

It is unlawful for any person to divert, retard, or obstruct the flow of waters in any watercourse whenever it creates a hazard to life or property without securing a written authorization of the floodplain board and any person violating the provisions of Section 3.0, General Provisions of the Code, shall be guilty of a Class 2 misdemeanor. (Ord. 536 § 3, 1988)

Chapter 15.20

FLOOD HAZARD CONTROL

Sections:

15.20.010 Authority of city engineer.

15.20.020 Official maps—adopted by reference.

15.20.030 Definitions.

15.20.040 Permits required.

15.20.050 Review of permit applications.

15.20.060 Application review-criteria.

15.20.070 Findings of fact-approval of applications.

15.20.080 New water and sewer systems.

15.20.090 Alteration or relocation of watercourse.

15.20.100 Compliance with National Flood Insurance Program.

15.20.010 Authority of city engineer.

The city engineer has the added responsibilities set out in this chapter and is authorized and directed to enforce all the provisions of this chapter and all other ordinances of the city now in force or hereafter adopted relating to zoning, subdivision or building codes, such work and supervision to be done in conjunction with the public works director, the chief planner and the building inspector. (Ord. 418 §1, 1978)

15.20.020 Official maps—adopted by reference.

The city council designates the Flood Hazard Boundary and Floodway Map and Flood Insurance Rate Map, dated February 7, 1978, and amendments, as the official maps to

be used in the determining those areas of special flood hazard, a copy of such maps being attached to the ordinance codified in this chapter and made a part hereof by reference thereof. (Ord. 418 §3, 1978)

15.20.030 Definitions.

Unless specifically defined in this section, words or phrases used in this chapter shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this chapter its most reasonable application:

A. “Areas of special flood hazard” means the land within a community subject to a one percent or greater chance of flooding in any given year. This land is identified as Zone A on the official map.

B. “Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

C. “Flood” means a temporary rise in a stream’s flow or stage that results in water overflowing its banks and inundating areas adjacent to the channel or an unusually and rapid accumulation of runoff or surface waters from any source.

D. “Floodproofing” means any combination of structural and nonstructural additions, changes or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

E. “Habitable floor” means any floor used for living which includes working, sleeping, eating, cooking or recreation or

combination thereof. A floor used only for storage purposes is not a habitable floor.

F. "Mobile home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

G. "Mobile home park" or "mobile home subdivision" means a parcel (or contiguous parcels) of land which has been divided into two or more lots for rent or sale and the placement of mobile homes.

H. "One-hundred-year flood" means the condition of flooding having a one-percent chance of annual occurrence.

I. "Regulatory flood elevation" means the water surface elevation of the one-hundred-year flood.

J. "Structure" means a walled or roofed structure, including a gas or liquid storage tank that is principally above the ground, including but without limitation to buildings, factories, sheds, cabins, mobile homes and other similar uses.

K. "Substantial improvement" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either (1) before the improvement is started, or (2) if the structure has been damaged and is being restored before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any alternation to comply with existing state or

local health, sanitary, building or safety codes or regulations as well as structures listed in national or state registers of historic places. (Ord. 418 §11, 1978)

15.20.040 Permits required.

No person, firm or corporation shall erect, construct, enlarge or improve any building or structure in the city or cause the same to be done without first obtaining a separate development permit for each such building or structure.

A. Within Zone A on the official map, separate development permits are required for all new construction, substantial improvements and other developments, including the placement of mobile homes.

B. Application. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished for that purpose. Every such application shall:

1. Identify and describe work to be covered by the permit for which application is made;
2. Describe the land on which the proposed work is to be done by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or work;
3. Indicate the use or occupancy for which the proposed work is intended;
4. Be accompanied by plans and specifications for proposed construction;
5. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority;
6. Within designated flood-prone areas, be accompanied by elevations (in relation to mean sea level) of the lowest habitable floor (including basement) or in the case of floodproofed nonresidential structures,

the elevation to which it has been floodproofed. Documentation or certification of such elevations will be maintained by the city engineer.

7. Give such other information as reasonably may be required by the city engineer. (Ord. 418 §4, 1978)

15.20.050 Review of permit applications.

The city engineer or his designee shall review all development permit applications to determine if the site of the proposed development is reasonably safe from flooding and that all necessary permits have been received as required by federal or state law. (Ord. 418. §5, 1978)

15.20.060 Application review--criteria.

The city engineer or his designee, in reviewing all applications for new construction, substantial improvements, prefabricated buildings, placement of mobile homes and other developments (as defined in Section 15.20.030) will:

A. Obtain, review and reasonably utilize, if available, any regulatory flood elevation data from federal, state or other sources, until such other data is provided by the Federal Insurance Administration in a Flood Insurance Study; and require within areas designated as Zone A on the official map that the following performance standards be met:

1. The first floor elevation (to include basement) of new residential structures is elevated to or above the regulatory flood elevation;

2. The first floor elevation (to include basement of nonresidential structures) is elevated or floodproofed to or above the regulatory flood elevation.

B. Require the use of construction

materials and utility equipment that are resistant to flood damage.

C. Require the use of construction methods and practices that will minimize flood damage.

D. Be designed or anchored to prevent the flotation, collapse or lateral movement of the structure or portion of the structure due to flooding.

E. Assure that in regard to mobile homes, specific anchoring requirements are:

1. Over-the-top ties be provided at each of the four corners of the mobile home with two additional ties per side at the intermediate locations and mobile homes less than fifty feet long requiring one additional tie per side;

2. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and mobile homes less than fifty feet long requiring four additional ties per side;

3. All components of the anchoring system be capable of carrying a force of four thousand eight hundred pounds;

4. Any additions to mobile homes be similarly anchored. (Ord. 418 §6, 1978)

15.20.070 Findings of fact—approval of applications.

The mayor and city council shall approve all subdivision applications and shall make findings of fact and assure that:

A. All such proposed developments are consistent with the need to minimize flood damage;

B. Subdivision proposals and other proposed new development greater than five acres or fifty lots, whichever is lesser, include within such proposals regulatory flood elevation data in areas designated Zone A;

C. Adequate drainage is provided so as to

reduce exposure to flood hazards;

D. All public utilities and facilities are located so as to minimize or eliminate flood damage. (Ord. 418 §7, 1978)

15.20.080 New water and sewer systems.

New and replacement water and sewer systems shall be constructed to eliminate or minimize infiltration by or discharge into floodwaters. Moreover, on-site waste disposal systems will be designed to avoid impairment or contamination during flooding. (Ord. 418 §8, 1978)

15.20.090 Alteration or relocation of watercourse.

The mayor and city council will insure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained. The city will notify, in riverine situations, adjacent communities and the state coordinating office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the administrator. Moreover, the city will work with appropriate state and federal agencies in every way possible in complying with the National Flood Insurance Program in accordance with the National Flood Disaster Protection Act of 1973. (Ord. 418 §9, 1978)

15.20.100 Compliance with National Flood Insurance Program.

This chapter shall take precedence over conflicting ordinances or parts of ordinances. The city council may, from time to time, amend this chapter to reflect any and all changes in the National Flood Disaster Protection Act of 1973. The regulations of this chapter are in compliance with the National Flood Insurance Program Regulation as published in the Federal

Register, Volume 41, Number 207, dated October 26, 1976, a pertinent portion of which has been excerpted and hereinafter set forth:

§1910.3 Flood plain management criteria for flood-prone areas.

The Administrator will provide the data upon which flood plain management regulations shall be based. If the Administrator has not provided sufficient data to furnish a basis for these regulations in a particular community, the community shall obtain, review and reasonably utilize data available from other federal, state or other sources pending receipt of data from the Administrator. However, when special flood hazard area designations and water surface elevations have been furnished by the Administrator, they shall apply. The symbols defining such special flood hazard designations are set forth in §1914.3 of this subchapter. In all cases the minimum requirements governing the adequacy of the flood plain management regulations for flood-prone areas adopted by a particular community depend on the amount of technical data formally provided to the community by the Administrator. Minimum standards for communities are as follows:

(a) When the Administrator has not defined the special flood hazard areas within a community, has not provided water surface elevation data, and has not provided sufficient data to identify the floodway or coastal high hazard area, but the community has indicated the presence of such hazards by submitting an application to participate in the Program, the community shall:

(1) Require permits for all proposed construction or other development in the community, including the placement of mobile homes, so that it may determine whether such

construction or other development is proposed within flood-prone areas;

(2) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334;

(3) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements (including the placement of prefabricated buildings and mobile homes) shall (i) be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure, (ii) be constructed with materials and utility equipment resistant to flood damage, and (iii) be constructed by methods and practices that minimize flood damage;

(4) Review subdivision proposals and other proposed new development to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to assure that (i) all such proposals are consistent with the need to minimize flood damage within the flood-prone area, (ii) all public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided to reduce exposure to flood hazards;

(5) Require within flood-prone areas new and replacement water supply systems to be designed to minimize or

eliminate infiltration of flood waters into the systems; and

(6) Require within flood-prone areas (i) new and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and (ii) on-site waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

(b) When the Administrator has designated areas of special flood hazards (A zones) by the publication of a community's FHBM, but has neither produced water surface elevation data nor identified a floodway or coastal high hazard area, the community shall:

(1) Require permits for all proposed construction and other developments including the placement of mobile homes, within Zone A on the community's FHBM;

(2) Require the application of the standards in paragraphs (a) (2), (3), (4), (5) and (6) of this section to development within Zone A on the community's FHBM;

(3) Require that all subdivision proposals and other proposed new developments greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data;

(4) Obtain, review and reasonably utilize any base flood elevation data available from a federal, state, or other source, until such other data has been provided by the Administrator, as criteria for requiring that (i) all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the base flood level and (ii) all new construction and substantial improvements of nonresidential structures have the lowest floor

(including basement) elevated or floodproofed to or above the base flood level;

(5) For the purpose of the determination of applicable flood insurance risk premium rates within Zone A on a community's FHBM, (i) obtain the elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not such structures contain a basement, (ii) obtain, if the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was floodproofed, and (iii) maintain a record of all such information with the official designated by the community under §1909-.22(a) (9) (iii);

(6) Notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Administrator;

(7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained;

(8) Require that all mobile homes to be placed within Zone A on a community's FHBM shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that (i) over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations and mobile homes less than fifty feet long requiring one additional tie per side; (ii) frame ties be provided at each corner of the home with five additional ties per side at intermediate points and mobile homes less than fifty feet long requiring four additional ties per side; (iii) all components of the anchoring system be capable of carrying a force of four thousand eight

hundred pounds; and (iv) any additions to the mobile home be similarly anchored;

(9) Require that an evacuation plan indicating alternate vehicular access and escape routes be filed with appropriate Disaster Preparedness Authorities for mobile home parks and mobile home subdivisions located within Zone A on the community's FHBM.

(c) When the Administrator has provided a notice of final base flood elevations within Zones A1-30 on the community's FIRM and, if appropriate, has designated A0 zones, A99 zones and unnumbered A zones on the community's FIRM, but has not identified a regulatory floodway or coastal high hazard area, the community shall:

(1) Require the standards of paragraph (b) of this section within all A1-30 zones, unnumbered A zones and A0 zones, on the community's FIRM;

(2) Require that all new construction and substantial improvements of residential structures within Zones A1-30 on the community's FIRM have the lowest floor (including basement) elevated to or above the base flood level, unless the community is granted an exception by the Administrator for the allowance of basements and/or storm cellars in accordance with §1910.6(b) (3) (b) and (4);

(3) Require that all new construction and substantial improvements of nonresidential structures within Zones A1-30 on the community's FIRM (i) have the lowest floor (including basement) elevated to or above the base flood level or, (ii) together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capacity of

resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

(4) Provide that where floodproofing is utilized for a particular structure in accordance with paragraphs (c) (3) and (c) (8) of this section or (b) (3) of §1910.6 either (i) a registered professional engineer or architect shall certify that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood, and a record of such certificates indicating the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained with the official designated by the community under §1910.6 shall be submitted to the Administrator for approval;

(5) Require within Zones A1-30 on the community's FIRM for new mobile home parks and mobile home subdivisions, for expansions to existing mobile home parks and mobile home subdivisions, and for existing mobile home parks and mobile home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced, that (i) stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level, (ii) adequate surface drainage and access for a hauler are provided, and (iii) in the instance of elevation on pilings, lots are large enough to permit steps, piling foundations are placed in stable soil no more than ten feet apart, and reinforcement is provided for pilings more than six feet above the ground level;

(6) Require for all mobile homes to

be placed within Zones A1-30 on the community's FIRM, but not into a mobile home park or mobile home subdivision that (i) stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level, (ii) adequate surface drainage and access for a hauler are provided, and (iii) in the instance of elevation on pilings, lots are large enough to permit steps, piling foundations are placed in stable soil no more than 10 feet apart, and reinforcement is provided for piers more than six feet above ground level;

(7) Require within any A0 zone on the community's FIRM that all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the crown of the nearest street to or above the depth number specified on the community's FIRM;

(8) Require within any A0 zone on the community's FIRM that all new construction and substantial improvements of nonresidential structures (i) have the lowest floor (including basement) elevated above the crown of the nearest street to or above the depth number specified on the FIRM, or (ii) together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

(9) Require within any A00 zones on the community's FIRM the standards of paragraphs (a) (1) through (a) (4) (i) and (b) (5) through (b) (9) of this section;

(10) Require until a regulatory

floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(d) When the Administrator has provided a notice of final base flood elevations within Zones A1-30 on the community's FIRM and, if appropriate, has designated A0 zones, A99 zones and unnumbered A zones on the community's FIRM, and has provided data from which the community shall designate its regulatory floodway, the community shall:

(1) Meet the requirements of paragraphs (c) (1) through (c) (9) of this section;

(2) Select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any point;

(3) Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway that would result in any increase in flood levels within the community during the occurrence of the base flood discharge;

(4) Prohibit the placement of any mobile homes, except in an existing mobile home park or mobile home subdivision, within the adopted regulatory floodway.

(e) When the Administrator has provided a

notice of final base flood elevations within Zones A1-30 on the community's FIRM and, if appropriate, has designated A0 zones, A99 zones and unnumbered A zones on the community's FIRM, and has identified on the community's FIRM Zone V1-30 (coastal high hazard area), the community shall:

(1) Meet the requirements of paragraphs (c) (1) through (c) (10) of this section;

(2) For the purpose of the determination of applicable flood insurance risk premium rates within Zone V1-30 on a community's FIRM, (i) obtain the elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not such structures contain a basement, (ii) obtain, if the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was floodproofed, and (iii) maintain a record of all such information with the official designated by the community under §1909.22 (a) (9) (iii);

(3) Provide that all new construction within Zones V1-30 on the community's FIRM is located landward of the reach of mean high tide;

(4) Provide (i) that all new construction and substantial improvements within Zones V1-30 on the community's FIRM are elevated on adequately anchored pilings or columns, and securely anchored to such piles or columns so that the lowest portion of the structural members of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level and (ii) that a registered professional engineer or architect certify that the structure is securely anchored to adequately anchored pilings or columns in

order to withstand velocity waters and hurricane wave wash;

(5) Provide that all new construction and substantial improvements within Zones V1-30 on the community's FIRM have the space below the lowest floor free of obstructions or be constructed with "breakaway walls" intended to collapse under stress without jeopardizing the structural support of the structure so that the impact on the structure by abnormally high tides or wind-driven water is minimized. Such temporarily enclosed space shall not be used for human habitation;

(6) Prohibit the use of fill for structural support of buildings within Zones V1-30 on the community's FIRM;

(7) Prohibit the placement of mobile homes, except in existing mobile home parks and mobile home subdivisions, within Zones V1-30 on the community's FIRM;

(8) Prohibit manmade alteration on sand dunes and mangrove stands within Zones V1-30 on the community's FIRM which would increase potential flood damage. (Ord. 418 §10, 1978)

EXHIBIT "A"

Douglas Municipal Code, Title 15

CHAPTER 15.24 - STORM WATER POLLUTION PREVENTION

SEC. 15.24.010. PURPOSE

THIS CHAPTER SETS FORTH THE REQUIREMENTS FOR THE CONTROL OF POLLUTANTS THAT ARE OR MAY BE DISCHARGED TO THE PUBLIC STORM DRAIN SYSTEM. THE PURPOSE OF THIS CHAPTER IS TO ENABLE THE CITY TO COMPLY WITH ALL APPLICABLE STATE AND FEDERAL LAWS RELATED TO STORM WATER MANAGEMENT, INCLUDING BUT NOT LIMITED TO, THE CLEAN WATER ACT (33 UNITED STATES CODE 1251 ET SEQ.) THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM REGULATIONS (40 CODE OF FEDERAL REGULATIONS PART 122), AND THE TOWN'S ARIZONA POLLUTANT DISCHARGE ELIMINATION SYSTEM (AZPDES) PERMIT (ARIZONA ADMINISTRATIVE CODE R18-19-A902).

SEC. 15.24.020. DEFINITIONS

FOR THE PURPOSES OF THIS ARTICLE, THE FOLLOWING WORDS AND TERMS SHALL BE DEFINED AS FOLLOWS:

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY (ADEQ) MEANS THE STATE AGENCY CHARGED WITH ENFORCEMENT OF ENVIRONMENTAL LAWS AND REGULATIONS.

ARIZONA POLLUTANT DISCHARGE ELIMINATION SYSTEM (AZPDES) STORM WATER PERMIT MEANS A PERMIT ISSUED BY ADEQ WHICH AUTHORIZES THE DISCHARGE OF STORM WATER PURSUANT TO ARIZONA ADMINISTRATIVE CODE R18-9-A902, WHICH INCORPORATES 40 CODE OF FEDERAL REGULATIONS § 122.32.

BEST MANAGEMENT PRACTICES (BMPS) MEANS SCHEDULES OF ACTIVITIES, PROHIBITIONS OF PRACTICES, MAINTENANCE PROCEDURES, AND OTHER MANAGEMENT PRACTICES TO PREVENT OR REDUCE THE DISCHARGE OF POLLUTANTS TO STORM WATER. BMPS ALSO INCLUDE TREATMENT REQUIREMENTS, OPERATING PROCEDURES, AND PRACTICES TO CONTROL SITE RUNOFF, SPILLAGE OR LEAKS, SLUDGE OR WASTE DISPOSAL, OR DRAINAGE FROM OUTDOOR STORAGE AREAS.

CLEAN WATER ACT MEANS THE FEDERAL WATER POLLUTION CONTROL ACT, AS AMENDED, 22 UNITED STATES CODE 1251 ET SEQ.

DIRECTOR MEANS THE PUBLIC WORKS DIRECTOR.

DISCHARGE MEANS ANY SPILLING, LEAKING, PUMPING, POURING, EMITTING, EMPTYING, INJECTING, PLACING, RELEASING, LEACHING, DUMPING, OR DISPOSING INTO OR ON ANY LAND IN A MANNER THAT MAY CAUSE POLLUTION.

ENVIRONMENTAL PROTECTION AGENCY (EPA) MEANS THE FEDERAL AGENCY CHARGED WITH ENFORCEMENT OF ENVIRONMENTAL LAWS AND REGULATIONS.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER PERMIT MEANS A PERMIT ISSUED BY EPA WHICH AUTHORIZES THE DISCHARGE OF STORM WATER PURSUANT TO THE CLEAN WATER ACT § 402 (33 U.S.C. § 1342).

NOTICE OF INTENT (NOI) MEANS A FORM SUBMITTED TO ADEQ NOTIFYING OF PERSON'S INTENT TO BE COVERED UNDER A SEPARATE AZPDES STORM WATER PERMIT, AS REQUIRED BY FEDERAL AND STATE LAW.

PERSON MEANS ANY INDIVIDUAL, PARTNERSHIP, CO-PARTNERSHIP, FIRM, COMPANY, CORPORATION, LIMITED LIABILITY COMPANY, ASSOCIATION, JOINT STOCK COMPANY, TRUST, ESTATE, GOVERNMENTAL ENTITY, OR ANY OTHER LEGAL ENTITY; OR THEIR LEGAL REPRESENTATIVES, AGENTS, OR ASSIGNS.

POLLUTANT SHALL HAVE THE SAME MEANING AS DEFINED IN 40 C.F.R. § 122.2, AND INCLUDES BUT IS NOT LIMITED TO ANY SOLID, LIQUID, GAS, OR OTHER SUBSTANCE THAT CAN ALTER THE PHYSICAL OR CHEMICAL PROPERTIES OF WATER INCLUDING, BUT NOT LIMITED TO FERTILIZERS, SOLVENTS, SLUDGE, PETROLEUM AND PETROLEUM PRODUCTS, SOLID WASTE, GARBAGE, BIOLOGICAL MATERIALS, RADIOACTIVE MATERIALS, SAND, DIRT, ANIMAL WASTE, ACIDS, AND BASES.

PREMISES MEANS ANY BUILDING, LOT, PARCEL, REAL ESTATE, OR LAND OR PORTION OF LAND WHETHER IMPROVED OR UNIMPROVED INCLUDING ADJACENT SIDEWALKS AND PARKING STRIPS.

PUBLIC STORM DRAIN SYSTEM MEANS ALL OR ANY PART OF THE PUBLICLY-OWNED AND MAINTAINED ROADS, STREETS, CATCH BASINS, CURBS, GUTTERS, DITCHES, MAN-MADE CHANNELS, STORM DRAINS, AND DRY WELLS LOCATED WITHIN PUBLIC EASEMENTS, RIGHT-OF-WAY, PARKS, COMMON AREAS, RETENTION AREAS, OR OTHER PUBLICLY-OWNED OR MAINTAINED REAL PROPERTY DESIGNED OR USED FOR COLLECTING, HOLDING, OR CONVEYING STORM WATER.

STORM WATER MEANS STORM WATER RUNOFF, SURFACE RUNOFF AND DRAINAGE.

SEC. 15.24.030. DELEGATION OF AUTHORITY FOR ADMINISTRATION AND ENFORCEMENT

THE DIRECTOR OF PUBLIC WORKS IS DELEGATED THE AUTHORITY TO EXERCISE THE POWERS AND PERFORM THE DUTIES SET FORTH IN THIS CHAPTER AND TO ADMINISTER AND ENFORCE PROVISIONS OF THIS CHAPTER. THE DIRECTOR OF PUBLIC WORKS MAY DESIGNATE OTHER EMPLOYEES TO EXERCISE SUCH POWERS AND PERFORM SUCH DUTIES, AS HE DEEMS APPROPRIATE.

SEC. 15.24.040. PROHIBITION OF NON-STORM WATER DISCHARGE TO THE PUBLIC STORM DRAIN SYSTEM; EXEMPTIONS

(A) UNLESS EXPRESSLY AUTHORIZED OR EXEMPTED BY THIS ARTICLE, NO PERSON SHALL CAUSE OR ALLOW THE DISCHARGE TO A PUBLIC RIGHT-OF-WAY OR PUBLIC STORM DRAIN SYSTEM OF ANY SUBSTANCE THAT IS NOT COMPOSED ENTIRELY OF STORM WATER.

(B) UNLESS EXPRESSLY AUTHORIZED OR EXEMPTED BY THIS CHAPTER, NO PERSON SHALL USE, STORE, SPILL, DUMP, OR DISPOSE OF MATERIALS IN A MANNER THAT

THOSE MATERIALS COULD CAUSE OR CONTRIBUTE TO THE ADDITION OF POLLUTANTS TO STORM WATER.

(C) EXEMPTIONS. THE FOLLOWING DISCHARGES ARE EXEMPT FROM THE PROHIBITIONS SET FORTH IN SUBSECTIONS (A) AND (B) OF THIS SECTION:

1. DISCHARGES AUTHORIZED BY A SEPARATE NPDES OR AZPDES PERMIT.
2. THE FOLLOWING CATEGORIES OF NON-STORM WATER DISCHARGES ARE PERMISSIBLE UNLESS OTHERWISE PROHIBITED UNDER SUBSECTIONS (C)(3), (C)(4) OR (C)(5):
 - A. WATER LINE FLUSHING,
 - B. LANDSCAPING IRRIGATION,
 - C. DIVERTED STREAM FLOWS,
 - D. RISING GROUNDWATERS,
 - E. UNCONTAMINATED GROUNDWATER INFILTRATION AS DEFINED IN 40 C.F.R. § 35.2005(20),
 - F. UNCONTAMINATED PUMPED GROUNDWATER,
 - G. DISCHARGES FROM POTABLE WATER SOURCES,
 - H. FOUNDATION DRAINS,
 - I. AIR CONDITIONING CONDENSATION,
 - J. IRRIGATION WATER,
 - K. SPRINGS,
 - L. WATER FROM CRAWL SPACE PUMPS,
 - M. FOOTING DRAINS,
 - N. LAWN WATERING,
 - O. INDIVIDUAL RESIDENTIAL CAR WASHING,
 - P. FLOWS FROM RIPARIAN HABITATS AND WETLANDS,
 - Q. DECHLORINATED SWIMMING POOL DISCHARGES,
 - R. STREET WASH WATER,
 - S. DISCHARGES FROM EMERGENCY FIRE FIGHTING ACTIVITY,

T. DUST CONTROL WATERING; OR

U. ANY OTHER ACTIVITY THAT THE DIRECTOR IDENTIFIES IS NOT A SIGNIFICANT CONTRIBUTOR OF POLLUTANTS DURING THE TOWN'S AZPDES STORM WATER PERMIT TERM. (40 C.F.R. § 122.34(B)(3)(III)).

3. NO PERSON SHALL DISCHARGE TO THE PUBLIC STORM DRAIN SYSTEM ANY EXEMPTED DISCHARGE UNDER THIS SUBSECTION IF THE DIRECTOR OR ASSIGNED DESIGNEE IDENTIFIES AND PROVIDES WRITTEN NOTICE TO THE PERSON THAT THE DISCHARGE HAS THE POTENTIAL TO BE A SOURCE OF POLLUTANTS TO RECEIVING WATERS, WATERWAYS, OR GROUNDWATER.

4. NO PERSON SHALL DISCHARGE TO THE PUBLIC STORM DRAIN SYSTEM THAT WOULD RESULT IN OR CONTRIBUTE TO A VIOLATION OF THE AZPDES STORM WATER PERMIT ISSUED TO THE TOWN. LIABILITY FOR ANY SUCH DISCHARGE SHALL BE THE RESPONSIBILITY OF THE PERSON CAUSING OR RESPONSIBLE FOR THE DISCHARGE.

5. NO PERSON SHALL ESTABLISH, USE, MAINTAIN, OR CONTINUE ANY CONNECTION TO THE PUBLIC STORM DRAIN SYSTEM WHICH HAS CAUSED OR IS LIKELY TO CAUSE A VIOLATION OF THIS SECTION. THIS PROHIBITION IS RETROACTIVE AND SHALL APPLY TO ANY CONNECTION THAT WAS MADE IN THE PAST, REGARDLESS OF WHETHER IT WAS MADE UNDER PERMIT OR OTHER AUTHORIZATION, OR WHETHER IT WAS PERMISSIBLE UNDER THE LAW OR PRACTICES APPLICABLE OR PREVAILING AT THE TIME OF THE CONNECTION.

SEC. 15.24.050. OPERATING FACILITIES OR ACTIVITIES

(A) ALL PERSONS OWNING OR OPERATING PREMISES OR ENGAGED IN ACTIVITIES WHO ARE REQUIRED BY FEDERAL OR STATE LAW TO SUBMIT TO EPA AND/OR ADEQ A NOTICE OF INTENT (NOI) TO COMPLY WITH AN NPDES OR AZPDES STORM WATER PERMIT SHALL PROVIDE A COPY OF SUCH NOTICE TO THE DIRECTOR UPON REQUEST. FACILITIES REQUIRED TO APPLY FOR A STORM WATER PERMIT ARE IDENTIFIED IN 40 C.F.R. 122.26(B)(14).

(B) ALL PERSONS ENGAGED IN ACTIVITIES WHICH WILL OR MAY REASONABLY BE EXPECTED TO RESULT IN POLLUTANTS ENTERING THE PUBLIC STORM DRAIN SYSTEM SHALL UNDERTAKE BEST MANAGEMENT PRACTICES (BMPS) TO MINIMIZE SUCH POLLUTANTS, SHALL PROVIDE PROTECTION FROM ACCIDENTAL DISCHARGE OF POLLUTANTS TO THE PUBLIC STORM DRAIN SYSTEM AND COMPLY WITH THE CLEANUP AND NOTIFICATION REQUIREMENTS OF THIS ARTICLE. SUCH MEASURES SHALL INCLUDE THE REQUIREMENTS IMPOSED BY FEDERAL, STATE, COUNTY, OR LOCAL AUTHORITIES. BMPS ARE SITE-SPECIFIC AND ARE DESCRIBED IN THE DOCUMENT "STORMWATER MANAGEMENT FOR INDUSTRIAL ACTIVITIES: DEVELOPING POLLUTION PREVENTION PLANS AND BEST MANAGEMENT PRACTICES" (EPA 832-R-92-006) OR OTHER GUIDANCE DOCUMENTS AVAILABLE FROM EPA AND/OR ADEQ.

(C) IF A BEST MANAGEMENT PRACTICE IS REQUIRED BY THE DIRECTOR TO PREVENT A POLLUTANT FROM ENTERING THE PUBLIC STORM DRAIN SYSTEM, THE PERSON RECEIVING THE NOTICE OF SUCH A REQUIREMENT MAY PETITION THE DIRECTOR TO RECONSIDER THE APPLICATION OF THE BMP TO THE PREMISES OR ACTIVITY. THE WRITTEN PETITION MUST BE RECEIVED WITHIN TEN (10) WORKING DAYS SETTING FORTH ANY REASONS AND PROPOSED ALTERNATIVES. THE DIRECTOR WILL ACT WITHIN THIRTY (30) DAYS OF THE PETITION.

SEC. 15.24.060. CONSTRUCTION SITES

(A) ALL PERSONS ENGAGED IN CONSTRUCTION ACTIVITIES WHO ARE REQUIRED BY FEDERAL OR STATE LAW TO SUBMIT TO EPA AND/OR ADEQ A NOTICE OF INTENT TO COMPLY WITH AN NPDES OR AZPDES STORM WATER PERMIT, SHALL PROVIDE THE CITY WITH COPIES OF THE NOI AND THE NPDES STORM WATER PERMIT ISSUED BY ADEQ. CONSTRUCTION ACTIVITIES THAT WILL DISTURB ONE ACRE OR MORE OF LAND AREA OR SMALLER LAND AREAS IF THEY ARE PART OF A LARGER COMMON PLAN OF DEVELOPMENT OR SALE ARE REQUIRED TO APPLY FOR A STORM WATER PERMIT (40 C.F.R. 122.26(B)(15)).

(B) ANY PERSON PERFORMING CONSTRUCTION SHALL NOT CAUSE OR CONTRIBUTE TO A VIOLATION OF THE AZPDES STORM WATER PERMIT ISSUED TO THE CITY. LIABILITY FOR ANY SUCH DISCHARGE SHALL BE THE RESPONSIBILITY OF THE PERSON CAUSING OR RESPONSIBLE FOR THE DISCHARGE. ANY PERSON PERFORMING CONSTRUCTION SHALL UNDERTAKE BEST MANAGEMENT PRACTICES TO MINIMIZE POLLUTANTS (INCLUDING SEDIMENTS) FROM LEAVING THE CONSTRUCTION SITE, SHALL PROVIDE PROTECTION FROM ACCIDENTAL DISCHARGE OF POLLUTANTS TO THE PUBLIC STORM DRAIN SYSTEM, AND COMPLY WITH THE CLEANUP AND NOTIFICATION REQUIREMENTS OF THIS CHAPTER. SITE OPERATOR SHALL ENSURE EROSION AND SEDIMENT CONTROL AND CONTROL WASTE AND PROPERLY DISPOSE OF WASTES, SUCH AS DISCARDED BUILDING MATERIALS, CONCRETE TRUCK WASHOUT, CHEMICALS, LITTER, AND SANITARY WASTE AT THE CONSTRUCTION SITE THAT MAY CAUSE ADVERSE IMPACTS TO WATER QUALITY. SUCH MEASURES SHALL INCLUDE THE REQUIREMENTS IMPOSED BY FEDERAL, STATE, COUNTY OR LOCAL AUTHORITIES. BMPS ARE SITE-SPECIFIC AND ARE DESCRIBED IN THE DOCUMENT "STORMWATER MANAGEMENT FOR CONSTRUCTION ACTIVITIES: DEVELOPING POLLUTION PREVENTION PLANS AND BEST MANAGEMENT PRACTICES" (EPA 832-R-92-005) OR OTHER GUIDANCE DOCUMENTS AVAILABLE FROM EPA AND/OR ADEQ.

(C) IF A BEST MANAGEMENT PRACTICE IS REQUIRED BY THE DIRECTOR TO PREVENT A POLLUTANT FROM ENTERING THE PUBLIC STORM DRAIN SYSTEM, THE PERSON RECEIVING THE NOTICE OF SUCH A REQUIREMENT MAY PETITION THE DIRECTOR TO RECONSIDER THE APPLICATION OF THE BMP TO THE PREMISES OR ACTIVITY. THE WRITTEN PETITION MUST BE RECEIVED WITHIN TEN (10) WORKING DAYS SETTING FORTH ANY REASONS AND PROPOSED ALTERNATIVES. THE DIRECTOR WILL ACT WITHIN THIRTY (30) DAYS OF RECEIPT OF THE PETITION.

SEC. 15.24.070. POST-CONSTRUCTION.

PROPERTY OWNERS OR OPERATORS SHALL ENSURE LONG-TERM OPERATION AND MAINTENANCE OF POST-CONSTRUCTION STORM WATER RUNOFF CONTROL MECHANISMS, SUCH AS RETENTION BASINS, DRY WELLS AND OTHER MEASURES DESCRIBED IN 40 C.F.R. § 122.34(B)(5)(III).

SEC. 15.24.080. CLEANUP AND NOTIFICATION REQUIREMENTS

(A) AS SOON AS ANY OWNER OR OPERATOR HAS ACTUAL OR CONSTRUCTIVE KNOWLEDGE OF ANY DISCHARGE WHICH MAY RESULT IN POLLUTANTS ENTERING THE PUBLIC STORM DRAIN SYSTEM, SUCH PERSON SHALL PROMPTLY TAKE ALL NECESSARY STEPS TO ENSURE THE DISCOVERY OF THE SOURCE AND THE EXTENT AND PROCEED WITH CONTAINMENT AND CLEANUP OF SUCH DISCHARGE.

(B) THE OWNER OR OPERATOR SHALL NOTIFY THE DIRECTOR OF THE DISCHARGE IN BOTH OF THE FOLLOWING MANNERS:

(1) BY TELEPHONE AS SOON AS PRACTICAL OR BY CALLING 9-1-1 IF HAZARDOUS MATERIALS ARE INVOLVED; AND

(2) BY WRITTEN REPORT IDENTIFYING THE DISCHARGE SOURCE, EXTENT, POLLUTANT, MEASURES TAKEN TO MITIGATE THE DISCHARGE, AND PREVENTATIVE MEASURES PUT IN PLACE TO PREVENT A SUBSEQUENT DISCHARGE.

SEC. 15.24.090. INSPECTIONS

(A) AUTHORITY TO INSPECT. UPON PRESENTATION OF CREDENTIALS AND AT ALL REASONABLE OR NECESSARY HOURS, ALL AUTHORIZED EMPLOYEES OF THE CITY SHALL HAVE ACCESS TO ALL PREMISES AND TO ALL RECORDS PERTAINING TO THOSE PREMISES FOR PURPOSES OF ENSURING COMPLIANCE WITH THIS CHAPTER. INSPECTION, INTERVIEWING, COPYING, SAMPLING, PHOTOGRAPHING, AND OTHER ACTIVITIES CONDUCTED ON THE PREMISES SHALL BE LIMITED TO THOSE WHICH ARE REASONABLY NEEDED BY THE CITY IN DETERMINING COMPLIANCE WITH THE REQUIREMENTS OF THIS CHAPTER. ALL PERSONS SHALL ALLOW SUCH ACTIVITIES UNDER SAFE AND NON-HAZARDOUS CONDITIONS WITH A MINIMUM OF DELAY.

(B) MONITORING ACTIVITIES. THE DIRECTOR MAY ORDER ANY PERSON ENGAGED IN ANY ACTIVITY OR OWNING OR OPERATING ON ANY PREMISES WHICH MAY CAUSE OR CONTRIBUTE TO DISCHARGES OF POLLUTANTS TO THE PUBLIC STORM DRAIN SYSTEM IN VIOLATION OF THIS CHAPTER OR ANY APPLICABLE NPDES OR AZPDES STORM WATER PERMIT CONDITION TO UNDERTAKE SUCH MONITORING ACTIVITIES AND ANALYSES AND FURNISH SUCH REPORTS AS THE DIRECTOR REASONABLY MAY SPECIFY. THE COSTS OF SUCH ACTIVITIES, ANALYSES, AND REPORTS SHALL BE BORNE BY THE RECIPIENT OF THE ORDER.

(C) ACCESS REFUSAL. IF AN AUTHORIZED EMPLOYEE OF THE CITY HAS BEEN REFUSED ACCESS TO ANY PREMISES, AND IS ABLE TO DEMONSTRATE PROBABLE CAUSE TO BELIEVE THAT THERE MAY BE A VIOLATION OF THIS CHAPTER, OR THAT THERE IS A NEED TO INSPECT, INTERVIEW, COPY, PHOTOGRAPH OR SAMPLE AS PART OF AN INSPECTION AND SAMPLING PROCEDURE OF THE CITY DESIGNED TO DETERMINE COMPLIANCE WITH THE REQUIREMENTS OF THIS CHAPTER OR ANY RELATED LAWS OR REGULATIONS, OR TO PROTECT THE ENVIRONMENT AND THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE COMMUNITY, THEN THE DIRECTOR MAY SEEK ISSUANCE OF A SEARCH WARRANT FROM THE CITY MUNICIPAL COURT.

SEC. 15.24.100. ENFORCEMENT AND PENALTIES

(A) CHARGES LEVIED PURSUANT TO THIS CHAPTER SHALL BE COLLECTED BY THE DEPARTMENT OF PUBLIC WORKS. THE DIRECTOR SHALL MAKE AND ENFORCE ECONOMIC AND EFFICIENT MANAGEMENT AND PROTECTION OF THE CITY'S STORM DRAIN SYSTEM.

(B) OWNER OF RECORD. THE OWNER OF RECORD OF THE PROPERTY UPON WHICH A VIOLATION OF THIS CHAPTER OCCURS SHALL BE PRESUMED TO BE A PERSON HAVING LAWFUL CONTROL OVER THE ACTIVITY OR PREMISES UNLESS IT IS DEMONSTRATED THAT ANOTHER PERSON HAS KNOWINGLY AND IN GOOD FAITH ACCEPTED RESPONSIBILITY FOR THE ACTIVITY AT ISSUE. IF MORE THAN ONE PERSON IS

IDENTIFIED AS THE OWNER, SUCH PERSONS SHALL BE PRESUMED TO BE JOINTLY AND SEVERALLY IN LAWFUL POSSESSION AND CONTROL OF THE ACTIVITY OR PREMISES.

(C) NOTICE OF VIOLATION. THE DIRECTOR MAY ISSUE A WRITTEN NOTICE OF VIOLATION TO ANY PERSON WHO HAS VIOLATED OR IS IN VIOLATION OF THIS CHAPTER. FAILURE TO COMPLY WITH ANY ACT REQUIRED IN THE NOTICE OF VIOLATION SHALL BE A SEPARATE VIOLATION FOR EACH DAY BEYOND THE THIRTIETH (30TH) DAY FOLLOWING THE NOTICE OF VIOLATION. NOTHING IN THIS SECTION SHALL LIMIT THE AUTHORITY OF THE DIRECTOR TO TAKE ANY ACTION, INCLUDING EMERGENCY ACTIONS OR ANY OTHER ENFORCEMENT ACTION, WITHOUT FIRST ISSUING A NOTICE OF VIOLATION. IN APPROPRIATE SITUATIONS THE DIRECTOR MAY NOTIFY THE PERSON ORALLY EITHER IN PERSON OR BY TELEPHONE PRIOR TO, AND IN SOME CASES IN LIEU OF, WRITTEN NOTIFICATION.

(D) CONSENT ORDERS. THE DIRECTOR MAY ENTER INTO CONSENT ORDERS, ASSURANCES OF VOLUNTARY COMPLIANCE, NEGOTIATED SETTLEMENT AGREEMENTS OR OTHER SIMILAR DOCUMENTS ESTABLISHING AN AGREEMENT WITH ANY PERSON RESPONSIBLE FOR NONCOMPLIANCE. SUCH DOCUMENTS WILL INCLUDE SPECIFIC ACTION TO BE TAKEN BY THE PERSON TO CORRECT THE NONCOMPLIANCE WITHIN A TIME PERIOD SPECIFIED BY THE DOCUMENT, INCLUDING AN IDENTIFICATION AND DESCRIPTION OF THE BEST MANAGEMENT PRACTICES AND MEASURES TO UTILIZE IN IMPLEMENTING THE ORDER. SUCH DOCUMENTS SHALL HAVE THE SAME FORCE AND EFFECT AS ANY OTHER ORDERS ISSUED UNDER THIS ARTICLE AND SHALL BE JUDICIALLY ENFORCEABLE.

(E) CEASE AND DESIST ORDERS. WHEN THE DIRECTOR FINDS THAT A PERSON HAS VIOLATED, OR CONTINUES TO VIOLATE, ANY PROVISION OF THIS CHAPTER OR ANY RELATED LAWS OR REGULATIONS, OR THAT THE PERSON'S PAST VIOLATIONS ARE LIKELY TO RECUR, THE DIRECTOR MAY ISSUE AN ORDER TO THE PERSON DIRECTING THEM TO CEASE AND DESIST ALL SUCH VIOLATIONS AND DIRECT THE PERSON TO IMMEDIATELY COMPLY WITH ALL REQUIREMENTS; AND TAKE SUCH APPROPRIATE REMEDIAL OR PREVENTIVE ACTION AS MAY BE NEEDED TO PROPERLY ADDRESS A CONTINUING OR THREATENED VIOLATION. ISSUANCE OF A CEASE AND DESIST ORDER SHALL NOT BE A BAR AGAINST, OR A PREREQUISITE FOR, TAKING ANY OTHER ACTION AGAINST THE PERSON. A PERSON'S FAILURE TO COMPLY WITH AN ORDER OF THE WATER UTILITIES MANAGER ISSUED PURSUANT TO THIS CHAPTER SHALL CONSTITUTE A VIOLATION OF THIS CHAPTER.

(F) CIVIL PENALTIES. IN ADDITION TO ANY OTHER ENFORCEMENT AUTHORITY CONTAINED IN THIS CHAPTER, THE DIRECTOR MAY ISSUE A CIVIL CITATION TO ANY PERSON WHO HAS VIOLATED, OR CONTINUES TO VIOLATE, ANY PROVISION OF THIS CHAPTER OR ANY RELATED LAWS OR REGULATIONS. A PERSON WHO VIOLATES ANY REQUIREMENT OF THIS CHAPTER OR ANY APPLICABLE NPDES OR AZPDES STORM WATER PERMIT CONDITION SHALL BE CIVILLY LIABLE TO THE CITY FOR A SUM NOT TO EXCEED \$2,500 PER DAY FOR EACH VIOLATION.

(G) CRIMINAL PENALTIES. A PERSON WHO WILLFULLY OR NEGLIGENTLY VIOLATES ANY PROVISION OF THIS CHAPTER, OR ANY RELATED LAWS OR REGULATIONS SHALL, UPON CONVICTION, SHALL BE GUILTY OF A MISDEMEANOR AND UPON CONVICTION THEREOF SHALL BE PUNISHED BY A FINE NOT TO EXCEED \$2,500 PER DAY FOR EACH VIOLATION AND/OR BY IMPRISONMENT FOR A PERIOD NOT TO EXCEED SIX MONTHS.

(H) CRIMINAL PROSECUTION. SOME INTENTIONAL VIOLATIONS MAY CONSTITUTE CRIMINAL VIOLATIONS OF FEDERAL, STATE, AND CITY LAW, AND THAT UNDER SUCH

CIRCUMSTANCES, THE DIRECTOR MAY SEEK THE ASSISTANCE OF THE EPA, THE STATE OR THE CITY PROSECUTOR TO COMMENCE CIVIL AND/OR CRIMINAL ACTION AGAINST ANY PERSON WHO VIOLATES ANY REQUIREMENT OF THIS CHAPTER OR ANY APPLICABLE NPDES OR AZPDES STORM WATER PERMIT CONDITION.

(I) REVOKING OR WITHHOLDING OF PERMIT. IN ADDITION TO OR IN LIEU OF ALL OTHER AVAILABLE PENALTIES, THE CITY MAY REVOKE OR WITHHOLD ANY PERMIT, APPROVAL OR LICENSE TO CONSTRUCT IMPROVEMENTS TO REAL PROPERTY OR OPERATE A BUSINESS IN THE CITY IF THE HOLDER OF SUCH PERMIT, APPROVAL, OR LICENSE IS IN VIOLATION OF ANY REQUIREMENT OF THIS CHAPTER OR ANY APPLICABLE NPDES OR AZPDES STORM WATER PERMIT CONDITION.

(J) LIABILITY FOR COSTS. THE DIRECTOR MAY ASSESS LIABILITY FOR COSTS TO ANY PERSON IN VIOLATION OF THIS CHAPTER FOR ALL ACTUAL COSTS INCURRED BY THE CITY IN SURVEILLANCE, SAMPLING AND TESTING, ABATEMENT, AND REMEDIATION ASSOCIATED WITH A DISCHARGE. ADDITIONALLY, THE DIRECTOR MAY ASSESS LIABILITY FOR COSTS TO ANY PERSON WHOSE DISCHARGE RESULTED IN A VIOLATION OF THE CITY'S AZPDES STORM WATER PERMIT.