

ATTACHMENT A

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ADOPTED ORDINANCE**

ORDINANCE NO. G-_____

AN ORDINANCE AMENDING CHAPTER 31, ARTICLE III, SECTION 31-38 OF THE PHOENIX CITY CODE TO DELETE SECTION 31-38 (D); AND AMENDING CHAPTER 31, ARTICLE III, SECTION 31-49.1 OF THE PHOENIX CITY CODE TO ESTABLISH REPAIR REQUIREMENTS FOR STREET PAVEMENT CUTS; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX as follows:

SECTION 1. Phoenix City Code Chapter 31, Article III, Section 31-38 is amended to delete subsection (d) in its entirety as follows:

Sec. 31-38 Permit fee and plan review fees.

(A) The applicant shall also deposit with the Planning and Development Director, before any permit shall be issued, a permit fee to cover the City's cost of inspection and clerical services. The schedule of fees, as set forth in appendix A.2 of the City Code, is established to offset the City's expenses and the fee shall be computed based on the units of work and the schedule of fees. No portion of this permit fee is refundable.

(B) The Planning and Development Director shall collect the fees set forth in appendix A.2 of the City Code for off-site plan and landscape plan review services.

(C) Any public utility which is subject to regulation of its rates and charges for services by the Arizona Corporation Commission shall, in lieu of paying the fees set forth above, pay the Street Transportation Director the amount billed monthly for actual City cost of inspection and review services the City incurred during the month in providing services due to construction activities of the public utilities in public rights-of-way. The amount shall be due within thirty days of receipt of the monthly billing. A public utility shall have the right during regular office hours to examine and to make copies of City of Phoenix

accounting records on time and cost incurred for inspection services provided to public utilities for work in the public rights-of-way.

SECTION 2. Phoenix City Code Chapter 31, Article III, Section 31-49.1 is

amended to read as follows:

Sec. 31-49.1 Duty of person to repair street; cuts in new street pavement

(A) **Definitions.** The following definitions apply to this section. The plural of the word or phrase includes the singular, and the singular includes the plural.

1. "Arterial street" means all major streets and arterial streets as designated on the existing street classification map.
2. "Asphalt mill and overlay/inlay pavement treatment" means removal of the top LAYER ~~two inches of~~ street pavement with a milling machine and replacing the removed street pavement with a new layer of street pavement.
3. "Collector street" means all streets designated as collector streets and minor collector streets on the existing street classification map.
4. "Crack fill and seal" means application of fill and seal to cracks in the pavement surface.
5. "Local street" means all streets that provide direct access to residential, commercial, industrial, or other abutting land and for local traffic movements, and that connect to collector or arterial streets.
6. "New street" means a street that was constructed, reconstructed, or resurfaced, and that received final acceptance from the street transportation director or designee less than two years before the proposed street pavement cut.
7. "Permittee" means a person that possesses a permit issued by the city of phoenix to cut street pavement.
8. "Reconstructed street" means the removal of existing pavement to its sub-base and installation of new pavement.
9. "Resurfaced street" means any surface treatment applied to the roadway including asphalt mill and overlay/inlay pavement treatment.
10. "Slurry seal pavement treatment" means to apply a mixture of water, asphalt emulsion, aggregate, and additives to an existing asphalt pavement surface.

(B) **Duty to repair damaged street.** A person that causes damage to a public street while working in the public right-of-way must repair the street at the person's sole cost

and expense in accordance with city standards and specifications. The damaged street must be returned as close to its original condition as practicable and the repair maintained for a minimum of one year.

(C) **Pavement cut to new street.** Except for a TOTAL OF THREE OR LESS single pavement cutS of two square feet or less made as part of a single permit, if a pavement cut is made to a new street, all of the following requirements apply:

1. The permittee must apply an asphalt mill and overlay/inlay pavement treatment to the full width of all lanes of an arterial, collector, or local street impacted by the cut(s). The treatment must extend a minimum of 25 feet in both directions from the pavement cut(s); and

2. The permittee must apply a slurry seal pavement treatment to the half width of an arterial or collector street, or the full width of a local street. The treatment must extend a minimum of 25 feet in both directions from the pavement cut(s).

(D) **Pavement cut to street other than new street.** If a pavement cut of any size is made to a street other than a new street, the permittee must apply a slurry seal pavement treatment to the half width of an arterial or collector street, or the full width of a local street. The treatment must extend a minimum of 25 feet in both directions from the pavement cut(s).

1. For purposes of this section only, the permittee must apply type iv slurry seal to an arterial or collector street, or type ii slurry seal to a local street.

(E) **Crack fill and seal.** For all pavement cut repair areas, permittee must apply crack fill and seal between existing and new pavement areas prior to any pavement treatment.

(F) **Pavement treatment for exceptions.** A slurry seal pavement treatment is NOT required for a new street or street other than a new street if THERE ARE NO MORE THAN A TOTAL OF THREE the pavement cutS is less than two square feet FOR EACH and the permit allows no more than one pavement cut.

PASSED by the Council of the City of Phoenix this ____ day of _____, 2017.

M A Y O R

ATTEST:

City Clerk

APPROVED AS TO FORM:

_____ Acting City Attorney

REVIEWED BY:

_____ City Manager

LWL/2007156 (LF#17-)

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