

MARANA ORDINANCE NO. 2018.007

RELATING TO TRAFFIC AND HIGHWAYS; AMENDING TOWN CODE TITLE 12 (TRAFFIC AND HIGHWAYS), CHAPTER 12-7 (CONSTRUCTION IN TOWN RIGHTS-OF-WAY); REVISING SECTION 12-7-5 (PERMIT PROCESS) TO ADD GROUNDS FOR DENIAL OF A PERMIT; REVISING SECTION 12-7-8 (CONSTRUCTION REQUIREMENTS) TO UPDATE REFERENCE TO STANDARD SPECIFICATIONS AND DETAILS; REVISING SECTION 12-7-9 (NEWLY CONSTRUCTED ASPHALT PAVEMENTS) TO AMEND CONSTRUCTION REQUIREMENTS FOR CERTAIN CATEGORIES OF ASPHALT; AND DESIGNATING AN EFFECTIVE DATE

WHEREAS the Town Council is authorized by A.R.S. § 9-240 to exercise exclusive control over the streets, alleys, avenues and sidewalks of the town; and

WHEREAS on January 22, 2008, the Town Council adopted Ordinance No. 2008.04, adding Chapter 12-7 "Construction in Town Rights-of-Way" to the Marana Town Code; and

WHEREAS the Town Council finds that revision of the regulations for construction in Town rights-of-way as set forth in this ordinance is in the best interests of the Town and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, as follows:

SECTION 1. Marana Town Code Title 12 (Traffic and Highways) is hereby amended to revise section 12-7-5 (Permit process) as follows (with additions shown with double underlining):

12-7-5 Permit process; grounds for denial

[Paragraphs A through D remain unchanged]

E. Notwithstanding the provisions of paragraph D of this section, the town engineer may deny a permit requested pursuant to this chapter under the following circumstances:

1. The town engineer has notified the applicant that the applicant failed to comply with the construction requirements set forth in section 12-7-8 on a previously-issued permit and the applicant has failed to remedy the violation at the time of the new permit application.

2. The applicant has failed to pay any fees owed to the town for previously-issued permits, including, but not limited to, application fees, late fees, and fees incurred by the town to repair or remedy work completed by the applicant.

SECTION 2. Marana Town Code Title 12 (Traffic and Highways) is hereby amended to revise section 12-7-8 (Construction requirements) as follows (with deletions shown with ~~strikeouts~~ and additions shown with double underlining):

12-7-8 Construction requirements

[Paragraph A remains unchanged]

B. Unless otherwise expressly approved in writing by the town engineer, all work shall conform to the following:

1. The ~~2003~~ latest edition of the Pima association of governments (PAG) ~~county/city of Tucson~~ standard specifications and details for public improvements.
2. Other specifications, details or regulations approved by the town engineer or adopted by the town, including all conditions listed in the permit.
3. All requirements of this chapter.

[Paragraphs C through M remain unchanged]

SECTION 3. Marana Town Code Title 12 (Traffic and Highways) is hereby amended to revise section 12-7-9 (Newly constructed asphalt pavements) as follows (with deletions shown with ~~strikeouts~~ and additions shown with double underlining):

12-7-9 ~~Newly constructed~~ Additional requirements for specified asphalt pavements

In addition to the requirements set forth in section 12-7-8, on ~~newly constructed~~ asphalt pavements having an overall condition index (OCI) of over 70 ~~five years old or less~~, as verified by the town engineer, the following additional regulations apply:

[Paragraphs A through E remain unchanged]

SECTION 4. The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 5. All ordinances, resolutions, or motions and parts of ordinances, resolutions, or motions of the Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

SECTION 6. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any

court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 7. This ordinance shall become effective on the thirty-first day after its adoption.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, this 20th day of March, 2018.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

Jocelyn C. Bronson, Town Clerk

Frank Cassidy, Town Attorney