

WHEN RECORDED MAIL TO:
CITY OF SAN LUIS
P.O. BOX 1170
SAN LUIS, AZ 85349
ATTN: CITY CLERK

OFFICIAL RECORDS OF
YUMA COUNTY RECORDER
SUSAN MARLER



FEE #: 2005 - 19801

05/09/2005 12:50 PAGES: 0005
FEES: 3.00 8.00 1.00 .00 .00
REQ BY: CITY OF SAN LUIS
REC BY: PATTY MAGANA

The above area is to be reserved for recording information

C A P T I O N H E A D I N G :

Ordinance No. 228



Ordinance

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

ORDINANCE NO. 228

AN ORDINANCE OF THE CITY OF SAN LUIS AMENDING THE SUBDIVISION REGULATIONS OF THE CITY; ADOPTING ENCROACHMENT PERMIT REGULATIONS; PROVIDING FOR PENALTY FOR VIOLATIONS THEREOF; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY

Whereas the City of San Luis pursuant to Ordinance No. 188 adopted "Chapter 11, Land Use Planning, Article 11-1, Subdivision Regulations";

Whereas there has been repeated catastrophic failures in infrastructure in streets, sidewalks, wastewater improvements and other infrastructure in newly created subdivisions due to either defective workmanship, materials, or inspections; and

Wherefore there is a desire by the City Council to establish proper standards and proper protocols for the construction and inspection of public infrastructure;

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the City of San Luis, Arizona as follows:

Section 1: That certain document entitled "Encroachment Permits In General Provisions Applicable To All Encroachment Permits", three copies of which are on file in the office of the City Clerk of the City of San Luis, Arizona, which document was made a public record by a resolution of the City of San Luis, Arizona is referred to, adopted, and made a part hereof as though fully set out in this ordinance.

Section 2: The Subdivision Regulations as adopted pursuant to Ordinance 188 of the City of San Luis are hereby amended to add sections 6.3, 6.4, and 6.5 as follows:

6.3 Construction and inspection.

A. All relocation, tiling and reconstruction of irrigation facilities shall be constructed in compliance with the owning utility and/or the City standards and approved by the Director of Public Works.

B. All improvements in a public right-of-way and/or easement shall be constructed by the subdivider unless other agreement is made in writing with the City, but all such improvements require inspection and approval by the Department of Public Works. Construction shall not be commenced until an encroachment permit pursuant to Article 11-3 has been issued for such construction, and if construction is discontinued for any reason, construction shall not begin again until the Department of Public Works has been notified. The subdivider shall pay permit fees and inspection fees as established by Council resolution.

C. All underground utilities to be installed in streets shall be constructed prior to the surfacing of such street. Service stubs to platted lots within the subdivision for underground utilities shall be placed to such length as not to necessitate disturbance of street improvements when service connections are made. The developer shall provide the Department of Public Works three (3) complete and approved copies of all engineering plans, signed and sealed by a registered professional engineer, prior to final plat approval.

6.4 Required improvements.

All required improvements described in this section shall be constructed in accordance with appropriate City Codes, standard details and specifications and all other City Regulations. Such improvements must be completed and accepted in writing by the Public Works Department prior to occupancy of any home, dwelling, unit or other building in the subdivision. This requirement shall not prohibit the construction of required improvements in phases, the boundaries of which shall be designated on the preliminary plat and each phase shall be recorded as a separate final subdivision plat. When construction is undertaken in phases, such phasing must have been approved as part of the preliminary plat approval and all required improvements shall have been approved and accepted prior to the occupancy of any building within that phase of the development. No certificate of occupancy shall be issued and no person shall occupy any building or structure until all required improvements have been completed in accordance with the requirements set forth herein.

6.5. Assurance of warranty.

The subdivider shall warranty all work against defective workmanship or materials for a period of two (2) years from the date of its final acceptance.

The subdivider shall provide the City one (1) of the following assurances for the twelve-month warranty period, as a condition of final acceptance of offsite improvements:

FILED RECORDED MAIL ROOM
CITY OF SAN LUIS
P.O. BOX 1170
SAN LUIS, AZ 85348
ATTN: CITY CLERK

A. A letter of credit from a lending institution or surety company duly authorized to do business in this State; or

B. Cash or bond assurances as approved by the City Engineer.

The assurance shall be in a form approved by the City Attorney and the City Engineer. The assurance period shall begin the day of final acceptance and approval by the City Engineer of the entire project. The warranty assurance shall be in a minimum amount of ten (10) percent of the cost of all work completed.

Thirty (30) days prior to the expiration of the warranty period, the City Engineer shall hold an inspection to determine what, if any, defects exist. The City Engineer shall notify the subdivider of the results of the inspection. The subdivider shall make all replacements or repairs prior to the final date of warranty.

In the event of failure to complete the work and failure to comply with all of the conditions and terms of the permit, the City Engineer may order the work required by the permit to be completed to his or her satisfaction. The surety executing such assurance shall continue to be firmly bound under a continuing obligation for the payment of all necessary costs and expenses that may be incurred or expended by the City in causing any and all such required work to be done.

The City shall promptly return to the subdivider all assurances deposited for maintenance of warranty work. Assurance documents shall be returned in full if the subdivider has corrected all defects and if the subdivider has furnished the City satisfactory receipts for all labor and materials billed and waiver of liens from any and all persons holding claims against the work.

Section 3: The last sentence of the second paragraph of Section 6.2, Bonds and Assurances, is hereby amended to read as follows:

In all cases, an amount representing not less than ten percent (10%) of any assurance shall be retained for a period of two (2) years after completion and inspection of all improvements to insure that all work and materials are adequate and in a satisfactory condition.

Section 4: In the event of a conflict between the provisions of this Ordinance and any other ordinance, resolution, regulation, or policy of the City of San Luis, the conflicting provisions are hereby repealed, superseded, and replaced, and the provisions of this ordinance shall govern.

CITY OF SAN LUIS
P.O. BOX 1176
SAN LUIS, AZ 85342
ATTN: CITY CLERK

19801

Section 5: If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 6: Whereas, it is necessary for the preservation of the peace, health, safety and welfare of the City of San Luis, Arizona, and for further reason that pending purchases, financial considerations, and the best interest of the City require the amendments to go into immediate effect, an emergency is declared to exist, and this ordinance shall become immediately operative and in force from and after the date of posting hereof.

PASSED AND ADOPTED by the Mayor and Council of the City of San Luis, Arizona, this 13th day of April, 2005.



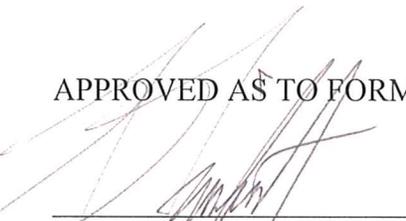
Guillermina Fuentes, Mayor

ATTEST:



Rosalicia Cordova, City Clerk

APPROVED AS TO FORM:



Glenn J. Gimbut
City Attorney