

**APPENDIX H**

**Statutes, Ordinances, Resolutions and Memoranda of Understanding/Agreement**

**[For Information Purposes Only]**

Arizona Revised Statutes

§49-501.E. Delegation of open burning permit issuance authority

§28-1098 Formerly numbered §28-1873

CITY of SOMERTON

Ordinance No. 293  
2005 Dust Complaint Project Sign Regulation

Ordinance No. 907  
2005 Dust Complaint Project Sign Regulation

Ordinance No. 300  
2005 NPDES Dust Control Plan Regulation

Resolution No. 405  
1991 Adopting 1991 PM<sub>10</sub> SIP

Resolution No. 360  
1994 Adopting November 1993 PM<sub>10</sub> SIP

CITY OF YUMA

Ordinance No. 02004-72  
2004 Dust Complaint Project Sign Regulation

Ordinance No. 02004-62  
2004 Restricted skateboard and motorized play vehicle access to unpaved alleyways, canal bank and irrigation district property

Ordinance No. 098-24  
1998 Dust control plan requirement for all construction sites

Resolution No. 2800  
1994 Adopting November 1993 PM<sub>10</sub> SIP

Ordinance No. 2638  
1993 Covered truck load regulation

Resolution No. 2682 Adopting 1991 PM<sub>10</sub> SIP

City Code Chapter 154-396 City of Yuma Zoning Ordinance paving requirements for 1979 off-street parking lots



B. If the hearing involves any violation of rules or regulations adopted pursuant to this article or a conditional order therefrom then, in addition to the requirements of subsection A, the person allegedly committing or having committed the violation or requesting the conditional order, shall be served personally or by registered or certified mail at least fifteen days prior to the hearing with a written notice of hearing.

1992

**49-501. Unlawful open burning; definition; exceptions; fine**

A. Notwithstanding the provisions of any other section of this article, it is unlawful for any person to ignite, cause to be ignited, permit to be ignited, or suffer, allow, or maintain any open outdoor fire except as provided in this section.

B. "Open outdoor fire", as used in this section, means any combustion of combustible material of any type outdoors, in the open where the products of combustion are not directed through a flue. "Flue", as used in this subsection, means any duct or passage for air, gases or the like, such as a stack or chimney.

C. The following fires are excepted from the provisions of this section:

1. Fires used only for cooking of food or for providing warmth for human beings or for recreational purposes or the branding of animals or the use of orchard heaters for the purpose of frost protection in farming or nursery operations.

2. Any fire set or permitted by any public officer in the performance of official duty, if such fire is set or permission given for the purpose of weed abatement, the prevention of a fire hazard, or instruction in the methods of fighting fires.

3. Fires set by or permitted by the director of the department of agriculture or county agricultural agents of the county for the purpose of disease and pest prevention.

4. Fires set by or permitted by the federal government or any of its departments, agencies or agents or the state or any of its agencies, departments or political subdivisions for the purpose of watershed rehabilitation or control through vegetative manipulation.

5. Fires permitted by any rule or regulation issued pursuant to this article, by any conditional permit issued by a hearing board established under this article or by any rule or conditional permit issued pursuant to article 2 of this chapter when the department of environmental quality pursuant to section 49-402

has assumed jurisdiction of the county in which the fire is located.

6. Fires set for the disposal of dangerous materials where there is no safe alternate method of disposal.

D. Permission for the setting of any fire given by a public officer in the performance of official duty under subsection C, paragraph 2, 3 or 4 shall be given in writing and a copy of the written permission shall be transmitted immediately to the director and the control officer of the county, district or region in which such fire is allowed. The setting of any such fire shall be conducted in a manner and at such time as approved by the control officer or the director, unless doing so would defeat the purpose of the exemption.

E. Notwithstanding section 49-107, the director may delegate authority for the issuance of open burning permits to a county, city, town or fire district. A county, city, town or fire district that has been delegated authority for the issuance of open burning permits may assign the issuance of these permits to a private fire protection service provider that performs fire protection services within that county, city, town or fire district. Any private fire protection service provider that is authorized to issue open burning permits pursuant to this subsection shall maintain a copy of all currently effective permits issued including a means of contacting the person authorized by the permit to set the fire in the event that an order to extinguish the open burning is issued. Permits issued pursuant to this subsection shall contain both of the following:

1. Conditions that limit the manner and time of setting the fire and that are consistent with this section and rules adopted pursuant to this section.

2. A provision that all burning be extinguished at the discretion of the director or the director's authorized representative during periods of inadequate atmospheric smoke dispersion, periods of excessive visibility impairment that could adversely affect public safety or periods when smoke is blown into populated areas so as to create a public nuisance.

F. The director may issue a general permit to allow persons engaged in farming or ranching on forty acres or more in an unincorporated area to burn household waste, as defined in section 49-701, that is generated on site, if no household waste collection and disposal service is available. The general permit shall include the following:

28-1098. Vehicle loads; restrictions; civil penalties

A. A person shall not drive or move a vehicle on a highway unless the vehicle is constructed or loaded in a manner to prevent any of its load from dropping, sifting, leaking or otherwise escaping from the vehicle, except that either:

1. Sand may be dropped for the purpose of securing traction.
2. Water or another substance may be sprinkled on a roadway in cleaning or maintaining the roadway.

B. A person shall not operate a vehicle on a highway with a load unless the load and any covering on the load are securely fastened in a manner to prevent the covering or load from becoming loose, detached or in any manner a hazard to other users of the highway.

C. If a person is found in violation of this section and the violation:

1. Does not cause any damage or injury and is the person's:

(a) First violation in a sixty month period, the person is subject to a civil penalty of up to two hundred fifty dollars.

(b) Second or subsequent violation in a sixty month period, the person is subject to a civil penalty of up to three hundred fifty dollars.

2. Results in an accident causing serious physical injury as defined in section 13-105 to another person, the person is subject to a civil penalty of up to five hundred dollars.

3. Results in an accident causing the death of another person, the person is subject to a civil penalty of up to one thousand dollars.

129284



# City of Somerton

110 N. State Avenue  
P.O. Box 638  
Somerton, Arizona 85350

(928) 627-8866  
Fax: (928) 627-3794  
TTD: (928) 627-8866

## COMMUNITY DEVELOPMENT DEPARTMENT

### FACSIMILE TRANSMITTAL SHEET

TO: Andrea Jimiel FROM: Carmen Suarez  
COMPANY: \_\_\_\_\_ DATE: \_\_\_\_\_

FAX NUMBER: \_\_\_\_\_ TOTAL NO. OF PAGES INCLUDING COVER: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_ SENDER'S REFERENCE NUMBER: \_\_\_\_\_

RE: \_\_\_\_\_ YOUR REFERENCE NUMBER: \_\_\_\_\_

- URGENT
- FOR REVIEW
- PLEASE COMMENT
- PLEASE REPLY
- PLEASE RECYCLE

NOTES/COMMENTS: \_\_\_\_\_



129284



OFFICE OF THE  
MAYOR  
CITY OF SOMERTON

# Ordinance

## No. 293

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL ADDING ARTICLE 9-6, DUST COMPLAINT SIGN REGULATION, TO THE SOMERTON MUNICIPAL CODE; PROVIDING PENALTIES FOR THE VIOLATION THEREOF AND FOR SEVERABILITY**

**WHEREAS**, the City of Somerton is interested in cooperating with the Arizona Department of Environmental Quality relating to matters of fugitive dust; and,

**WHEREAS**, one of the measures that can be taken is to provide for a project information sign requirement on projects involving earth moving at sites over a certain size.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Common Council of the City of Somerton, Arizona as follows:

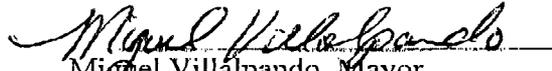
**SECTION ONE:** That the Somerton City Code, Chapter Nine, HEALTH AND SANITATION, is supplemented by adding Article 9-6, DUST COMPLAINT SIGN REGULATION:

Article 9-6	<u>DUST COMPLAINT SIGN REGULATION</u>
9-6-1	PROJECT INFORMATION SIGN
9-6-2	ENFORCEMENT
9-6-3	EXEMPTIONS
9-6-4	DEFINITIONS

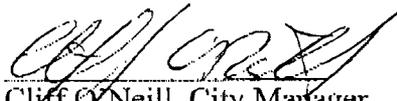
**SECTION TWO:** That Article 9-6 and the subsections referred to thereunder are set forth in their entirety in that public record entitled "DUST COMPLAINT SIGN REGULATIONS" and are incorporated by reference in their entirety in this Ordinance as adopted by Resolution No. 907.

**SECTION THREE:** 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, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Council of the City of Somerton, Arizona this 2 day of August, 2005.

  
Miguel Villalpando, Mayor

ATTEST:

  
Cliff O'Neill, City Manager

APPROVED AS TO FORM:

  
Gerald W. Hunt, City Attorney



AUG - 2 2005  
ADEO

OFFICE OF THE  
MAYOR  
CITY OF SOMERTON

# Resolution

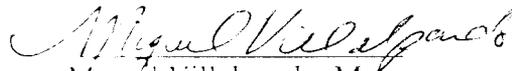
## No. 907

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SOMERTON, ARIZONA DECLARING AS A PUBLIC RECORD THOSE CERTAIN DOCUMENTS FILED WITH THE CITY CLERK AND ENTITLED "DUST COMPLAINT SIGN REGULATION"

**BE IT RESOLVED**, by the Mayor and Council of the City of Somerton, Arizona as follows:

**THAT**, certain document entitled "DUST COMPLAINT SIGN REGULATION", three copies of which are on file in the office of the city clerk, is hereby declared to be a public record, and said copies are ordered to remain on file with the city clerk.

**PASSED AND ADOPTED** by the Mayor and Council of the City of Somerton, Arizona this 19 day of July 2005.

  
Miguel Villalpando, Mayor

**ATTEST:**

  
Cliff O'Neill, City Clerk

**APPROVED AS TO FORM:**

  
Gerald W. Hunt, City Attorney

*CITY OF SOMERTON*

DUST COMPLAINT SIGN REGULATION

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*This document sets forth in their entirety the DUST COMPLAINT SIGN REGULATION, which are incorporated by reference in Resolution #907 and Ordinance No. 293.*

Article 9-6

DUST COMPLAINT SIGN REGULATION

- 9-6-1 PROJECT INFORMATION SIGN
- 9-6-2 ENFORCEMENT
- 9-6-3 EXEMPTIONS
- 9-6-4 DEFINITIONS

**Article 9-6-1: PROJECT INFORMATION SIGN**

For all sites with a building or grading permits that involve disturbing one (1) acre or larger, except for routine maintenance, the owner and/or operator shall erect and maintain a project information sign in accordance with Exhibit A (Work Zone Identification Sign Details) of this ordinance that is readable by the public at the main entrance to the property. Such signs shall have a white background, have black block lettering, as specified in Exhibit A, and shall contain at least all of the following information:

- (A) Project name and permit holder,
- (B) Building or grading permit number,
- (C) Name and phone number of person(s) responsible for conducting the project, and,
- (D) Text stating: "Dust Complaints" Call the City of Somerton – Public Works Department (928) 627-9876 during regular office hours.

**Article 9-6-2: ENFORCEMENT**

- (A) Stop-Work Order; Revocation of Permit

In the event that any person holding a building permit or grading permit pursuant to this ordinance violates the terms of the ordinance the City may suspend or revoke the building or grading permit.

- (B) Violation and Penalties

Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a class 1 misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$1,000 or by imprisonment for not more than ten (10) days or both fine and imprisonment. Each separate day or part thereof, during which any violation of said sections shall be punishable as herein provided.

**Article 9-6-3: EXEMPTIONS**

The following are exempt from the requirements of this ordinance: normal farm agricultural practices under Arizona Revised Statutes (A.R.S.) § 49-457 and § 49-504.4, and open areas, vacant lots, unpaved parking lots, and unpaved roadways than are not located at sources that require any permit under these rules.

**Article 9-6-4: DEFINITIONS**

For the purpose of this ordinance, the following definitions shall apply:

- (A) BUILDING PERMIT - An official document or certificate issued by the City of Somerton, which authorizes the performance of a specific construction work, grading or alteration of ground features to create improvements and structures.
- (B) GRADING - Excavation of or fill placement of material upon a land surface to create a desired slope or elevation.

**CITY OF SOMERTON**



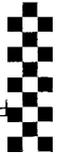
**FAX**

To: Andrew 2364p From: Carmen  
 Fax: (003) 771-441 Pages: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Date: \_\_\_\_\_  
 Re: \_\_\_\_\_ CC: \_\_\_\_\_

- Urgent     For Review     Please Comment     Please Reply     Please Recycle

• **Comments:**  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
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P.O. Box 638  
 Somerton, AZ 85360  
 928-627-8866 / 928-627-3794 Fax





OFFICE OF THE  
MAYOR  
CITY OF SOMERTON

# *Ordinance*

## *NO. 300*

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOMERTON, ARIZONA, BY ADDING ARTICLE 9-7, ARIZONA POLLUTANT DISCHARGE ELIMINATION SYSTEM/STORMWATER PHASE II PERMIT PROGRAM, TO THE SOMERTON MUNICIPAL CODE; PROVIDING PENALTIES FOR THE VIOLATION THEREOF AND FOR SEVERABILITY**

WHEREAS, during construction activities, soil is highly vulnerable to erosion by wind or water; and,

WHEREAS, when this eroded soil is transported by stormwater runoff to enter water bodies, it poses a serious threat to endangered and limited water resources by reducing water quality and harming aquatic habitat, fish life, and riparian vegetation; and,

WHEREAS, On March 10, 2003 The City of Somerton became a regulated community, and began operating under an AZPDES Permit No. AZG2002-002, for stormwater discharges from small Municipal Separate Storm Sewer Systems (MS4s) to the waters of the United States; and,

WHEREAS, the Minimum Control Measure No. 4 of the City's SWMP, states that the City will adopt an Erosion and Sediment Control ordinance; and,

WHEREAS, this ordinance is anticipated to be adopted by the Council on October 25, 2005 with full implementation to start on December 1, 2005, which approves the execution of the State's program: Arizona Pollutant Discharge Elimination System (AZPDES) / Stormwater Phase II Permit Program and the establishment of the City's Stormwater Management Program (SWMP); and

WHEREAS, control of sediment from construction sites is deemed to be essential in eliminating and reducing discharges of polluted stormwater runoff from these sites to the City's storm sewer system or the waters of the United States, thereby ensuring the safety of the City's residents.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Somerton as follows:

**SECTION ONE:** That the Somerton City Code, Title Nine, HEALTH AND SANITATION be supplemented by adding Article 9-7, **POLLUTANT DISCHARGE ELIMINATION SYSTEM / STORMWATER PHASE II PERMIT PROGRAM:**

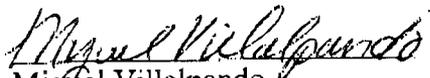
- Article 9-7-1: PURPOSE AND FINDING OF FACTS
- Article 9-7-2: DEFINITIONS
- Article 9-7-3: PERMIT AND FEES
- Article 9-7-4: REVIEW AND APPROVAL
- Article 9-7-5: EROSION AND SEDIMENTATION CONTROL PLAN
- Article 9-7-6: DESIGN REQUIREMENTS
- Article 9-7-7: INSPECTIONS
- Article 9-7-8: ENFORCEMENT

**SECTION TWO:** That Article 9-7 and the subsections referred to therein are set forth in their entirety in that public record entitled "EROSION AND SEDIMENT CONTROL REGULATIONS" and are incorporated by reference in their entirety in this Ordinance as adopted by Resolution No. 926.

**SECTION THREE:** 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, such decision shall not affect the validity of the remaining portions thereof.

Passed and adopted this 18 day of October, 2005.

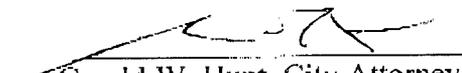
APPROVED:

  
Miguel Villalpando  
Mayor

ATTEST:

  
Cliff O'Neill, City Manager

APPROVED AS TO FORM:

  
Gerald W. Hunt, City Attorney

NOV 19 1991

RESOLUTION NO. 405

A RESOLUTION OF THE CITY OF SOMERTON ADOPTING THE DEPARTMENT OF ENVIRONMENTAL QUALITY 1991 YUMA AREA PARTICULATE PLAN FOR PM10 STATING THE CITY'S INTENT TO IMPLEMENT CERTAIN MEASURES CONTAINED IN THAT PLAN.

WHEREAS, the Yuma-Somerton Urbanized Area regularly experiences air pollution at levels affecting the quality of life of our citizens, and

NOW THEREFORE BE IT RESOLVED BY THE CITY OF SOMERTON as follows:

SECTION 1. That the City of Somerton adopts the 1991 Particulate Plan for PM10 attached herewith as Exhibit A.

SECTION 2. That the City of Somerton intends to implement those control measures specific to Somerton which are established in the Plan set forth herewith, subject to the availability of funding.

- |                                    |  |
|------------------------------------|--|
| CATEGORY:                          | PAVING OF ROADS  |
| A. MEASURE:                        | <u>Paving of unpaved roads.</u>  |
| RESPONSIBLE AGENCIES:              | Engineering, Roads and Bridges, Planning, and Finance Departments.   |
| IMPLEMENTATION SCHEDULE:           | One-quarter mile of unpaved roads will be paved by the end of the year 1993.   |
| FINANCING AND MAN-POWER RESOURCES: | Funding for the activities included in this measure have been included in annual operating budgets.                                      |
| B. MEASURE:                        | <u>Control of track out from farm land adjoining pavement.</u>   |
| RESPONSIBLE AGENCIES:              | Engineering, roads and Bridges, Planning Departments.  |
| IMPLEMENTATION SCHEDULE:           | Cooperation and coordination with the Department of Transportation (DOT) to convert a 23 foot right-of-way to green-belt by December 31, |

1993.

FINANCING AND MAN-  
POWER RESOURCES:

Funding for the activities included in this measure will be provided by DOT.

C. MEASURE:

Covering haul trucks carrying dust-producing loads.

RESPONSIBLE AGENC-  
IES:

Police, Road and Bridge, and Planning Departments.

IMPLEMENTATION SCHE-  
DULE:

Police, Department will enforce the existing measure (Arizona Revised Statutes Rule 18-2-406) beginning in 1992. A reminder of this requirement will be included in the City Business Licensing Program and in all Construction Permits issued by the City. All trucks with dust-producing loads, operated by City employees, will be covered.

FINANCING AND MAN-  
POWER RESOURCES:

No additional funding or manpower needs are anticipated to enact these procedures.

D. MEASURE:

Traffic re-routing or rapid clean-up of temporary sources of dust on paved roads.

RESPONSIBLE AGENCIES:

Roads and Bridges, and Police Departments.

IMPLEMENTATION SCHE-  
DULE:

Written policies to clean up dust-producing spill within 3 hours, or re-route traffic around the spill, will be established and made known to the appropriate employees to be responsible for carrying out the policy. The City will provide the Police Department with operating procedures to re-route traffic, as appropriate. Policies and procedures will be developed and implemented prior to December 31, 1993.

FINANCING AND MAN-

No additional funding or man-

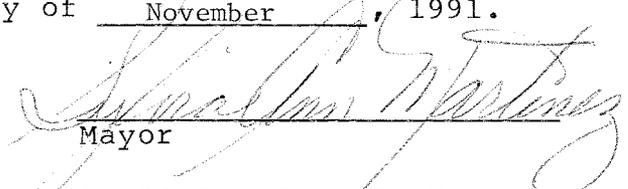
POWER RESOURCES:

power needs are anticipated to enact these procedures.

SECTION 3. That annual progress reports will be provided to the Department of Environmental Quality.

SECTION 4. That the City of Somerton will consider modifications to the control measures set forth herewith and additional strategies, as appropriate, during the continuing planning process.

PASSED AND ADOPTED by the Mayor and Common Council of the City of Somerton, this 5th day of November, 1991.

  
\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
City Attorney

Reference: Resolution  
360

Reference: Resolution  
405

RESOLUTION NO. 360

A RESOLUTION OF THE CITY OF SOMERTON ADOPTING THE DEPARTMENT OF ENVIRONMENTAL QUALITY FINAL STATE IMPLEMENTATION PLAN REVISION FOR THE YUMA PM<sub>10</sub> NONATTAINMENT AREA, NOVEMBER 1993 STATING THE CITY'S INTENT TO IMPLEMENT CERTAIN MEASURES CONTAINED IN THE PLAN.

WHEREAS, the Yuma -Somerton Urbanized Area regularly experiences air pollution at levels affecting the quality of life of our citizens, and

NOW THEREFORE BE IT RESOLVED BY THE CITY OF SOMERTON as follows:

SECTION 1. That the City of Somerton adopt the 1993 particulate Plan Revision for PM<sub>10</sub> attached herewith as Exhibit A.

SECTION 2. That the City of Somerton intends to implement those control measures specific to Somerton which are established in the Plan Revision set forth herewith, subject to the availability of funding.

CATEGORY:

PAVING ROADS

A. MEASURE  
RESPONSIBLE AGENCIES

Paving of unpaved roads.  
Engineering, Roads and  
Bridges, Planning and  
Finance Departments.

IMPLEMENTATION  
SCHEDULE:

One quarter mile of  
unpaved roads will be  
paved by the end of the  
year 1993.

FINANCING AND  
MANPOWER RESOURCES

Funding for the activities  
included in this measure  
have been included in  
annual operating budget.

B. MEASURE:

Control track out from farm  
land adjoining pavement.

IMPLEMENTATION  
SCHEDULE:

Departments.  
Cooperation and  
coordination with the  
Department of  
Transportation (DOT) to  
convert a 23 foot right-of  
way to green belt by  
December 31, 1993.

FINANCING AND  
MANPOWER RESOURCES:

Funding for the activities  
included in this measure  
will be provided by DOT.

C. MEASURE:

Covering haul trucks  
carrying dust-producing  
loads.

RESPONSIBLE AGENCIES:

Police, Road, Bridge and  
Planning Departments.

IMPLEMENTATION  
SCHEDULE:

Police Department will  
enforce the existing measure  
(Arizona Revised Statutes  
Rule 18-2-406) beginning in  
1993. A reminder of this  
requirement will be included  
in the City Business Licensing  
Program and in all Construction  
Permits issued by the City. All  
trucks with dust-producing-loads,  
operated by City employees, will  
be covered.

FINANCING AND  
MANPOWER RESOURCES:

No additional funding or  
manpower needs are anticipated  
to enact these procedures.

D. MEASURE:

Traffic re-routing or rapid  
clean-up of temporary sources  
of dust on paved roads.

RESPONSIBLE AGENCIES:

Roads, Bridges, and Police  
Departments.

IMPLEMENTATION

SCHEDULE: Written policies to clean up dust-producing spill, will be established and made known to the appropriate employees responsible for carrying out the policy. The City will provide the Police Department with operating procedures to re-route traffic, as appropriate. Policies and procedures will be developed and implemented prior to December 31, 1993.

FINANCING AND MANPOWER RESOURCES: No additional funding or power needs are anticipated to enact these procedures.

SECTION 3. That annual progress reports will be provided to the Arizona Department of Environmental Quality.

SECTION 4. That the City of Somerton consider modifications to the control measures set forth herewith and additional strategies, as appropriate, during the continuing planning process.

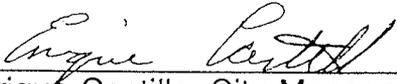
- E. CATEGORY: Paved Roads.
- MEASURE: Pave or chemically stabilize unpaved roads.
- IMPLEMENTATION SCHEDULE: One quarter mile of unpaved roads will be paved by the end of the year 1994.
- FINANCING AND MANPOWER RESOURCES: Funding for the activities included in this measure will be included in the annual operating budget.
- F. CATEGORY: Fugitive Dust.
- MEASURE: Prohibit permanent unpaved parking areas at commercial facilities.
- IMPLEMENTATION SCHEDULE: To be implemented before December 10, 1994.

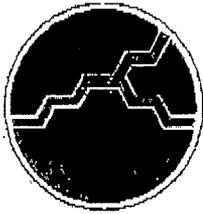
	FINANCING AND MANPOWER RESOURCES:	City Resolution 405 to be be changed into City Ordinance before December 10, 1994.
G.	CATEGORY:	Fugitive Dust.
	MEASURE:	Requirements for dust control plans as part of construction contracts.
	RESPONSIBLE AGENCY:	City of Somerton.
	IMPLEMENTATION SCHEDULE:	Will be implemented before December 10, 1994.
H.	CATEGORY:	Dust Control.
	MEASURE:	As a dust control measure the City has implemented a watering program for the City's alley's prior to 1993.
	IMPLEMENTATION SCHEDULE:	Prior to December 1993.
	FINANCING AND MANPOWER RESOURCES:	Public Works, water 4.56 miles of alley's every month with 50,000 gallons of water.
I.	CATEGORY:	Dust Control.
	MEASURE:	To set up a green belt on the east side of the Somerton City limits.
	IMPLEMENTATION SCHEDULE:	Approx. 1,575 linear ft. will be completed by December 10, 1994
	FINANCING & RESOURCES:	City of Somerton and AZ Dept. of Transportation.

A Resolution of the City of Somerton adopting the Arizona Department of Environmental Quality Final State Implementation Plan Revision for the Yuma PM10 nonattainment area, November 1993 stating the City's intent to implement certain measures contained in the plan is hereby PASSED AND ADOPTED by the Mayor and Common Council of the City of Somerton, this 15th day of June 1994.

  
Vivian Robinson  
Vivian Robinson, Mayor

ATTEST:

  
Enrique Castillo  
Enrique Castillo, City Manager



**PUBLIC WORKS DEPARTMENT**  
155 West 14<sup>th</sup> Street, Yuma, AZ 85364-4711  
(928) 373-4500 and 373-4502 Telephone  
(928) 373-4501 or 373-4503 FAX  
(928) 373-5149 TDD

101642

**DATE:** 12/21/2004

**TO:** MARK LEWANDOWSKI

**FAX NO.:** ANDRA JUNIEL  
(602) 771-2366

**FROM:** Ibrahim Osman - City of Yuma

**SUBJECT:** Project Information Sign Ordinance

03 **PAGES, INCLUDING COVER PAGE**

**NOTE:**  
Please share with Andrea. If you've any  
questions, let me know (928) 373-4531

**IF RECEIVER EXPERIENCES DIFFICULTY IN RECEIVING THIS COMMUNICATION,  
PLEASE CONTACT (928) 373-4500 OR (928) 373-4502 AT THE CITY OF YUMA,  
PUBLIC WORKS OFFICE.**

101642

**ORDINANCE NO. O2004-72**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, ESTABLISHING A DUST COMPLAINT SIGN REGULATION AND PROVIDING A PENALTY FOR VIOLATIONS THEREOF**

**WHEREAS**, the City of Yuma is interested in cooperating with the Arizona Department Environmental Quality relating to matters of fugitive dust; and,

**WHEREAS**, one of the measures that can be taken is to provide for a project information sign requirement on projects involving earth moving at sites over a certain size.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Yuma, as follows:

**SECTION 1: DEFINITIONS:** For the purpose of this ordinance, the following definitions shall apply:

- (A) **BUILDING PERMIT** – An official document or certificate issued by the City of Yuma, which authorizes the performance of a specific construction work, grading or alteration of ground features to create certain improvements and structures.
- (B) **GRADING** - Excavation of or fill placement of material upon a land surface to create a desired slope or elevation.

**SECTION 2: PROJECT INFORMATION SIGN:** For all sites with a building or grading permits that are one acre or larger, except for routine maintenance, the owner and/or operator shall erect and maintain a project information sign in accordance with Standard No. 8-100, Work Zone Identification Sign, Sign WZIS-1, of the City of Yuma Construction Standard Detail Drawings, that is readable by the public at the main entrance. Such sign shall have a white background, have black block lettering that is at least four inches high, and shall contain at least all of the following information:

- (A) Project name and permit holder, *According*
- (B) Building or grading permit number,
- (C) Name and phone number of person(s) responsible for conducting the project, and
- (D) Text stating: "Dust Complaints" Call the City of Yuma- Public Works Department (insert the current/ accurate phone number or the complaint phone line).

101642

**SECTION 3: ENFORCEMENT:**

(A) Stop-Work Order; Revocation of Permit

In the event that any person holding a building or grading permit pursuant to this ordinance violates the terms of the ordinance the City may suspend or revoke the building permit.

(B) Violation and Penalties

Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a class 1 misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$1,000 or by imprisonment for not more than ten days or both fine and imprisonment. Each separate day or part thereof, during which any violation of said sections shall be punishable as herein provided.

**SECTION 4: EXEMPTIONS:** The following are exempt from the requirements of this ordinance: normal farm agricultural practices under Arizona Revised Statutes (A.R.S.) §49-457 and §49-504.4, and open areas, vacant lots, unpaved parking lots, and unpaved roadways that are not located at sources that require any permit under these rules.

Passed and adopted this 1st day of December, 2004.

APPROVED:

Eric Lee Shoop  
Lawrence K. Nelson  
Mayor *Deputy Mayor*

ATTESTED:

Brigitta M. Kuiper  
Brigitta M. Kuiper  
City Clerk

APPROVED AS TO FORM:

Steven W. Moore  
Steven W. Moore  
City Attorney

ORDINANCE NO. 02004-62

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING THE YUMA CITY CODE, CHAPTER 21, SECTION 213-12, RELATING TO MOTOR VEHICLES AND TRAFFIC AND TO BUSINESSES REGULATED, DEFINING MOTORIZED SKATEBOARDS AND MOTORIZED PLAY VEHICLES; REGULATING THE USE OF MOTORIZED SKATEBOARDS AND MOTORIZED PLAY VEHICLES; REQUIRING MERCHANTS TO MAKE CERTAIN DISCLOSURES IN CONNECTION WITH THE SALE OF MOTORIZED SKATEBOARDS AND MOTORIZED PLAY VEHICLES; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

WHEREAS, the State has granted municipalities express authority to regulate the operation of motorized skateboards (Arizona Revised Statutes §28-101); and,

WHEREAS, the City Council finds it is in the public interest to regulate the operation of motorized skateboards and motorized play vehicles.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Yuma as follows:

SECTION 1. That the Yuma City Code, Title 21, §213-12 is hereby amended to read as follows:

213-12: MOTORIZED SKATEBOARDS AND MOTORIZED PLAY VEHICLES:

(A) Obedience to Traffic Laws:

(1) Except as to those provisions of law which by their nature can have no application, any person operating a motorized skateboard or motorized play vehicle on a roadway or on any shoulder adjoining a roadway shall be granted all the rights and shall be subject to all the duties applicable to the driver of a vehicle by both:

(a) The laws of this State declaring rules of the road applicable to vehicles; and

(b) The traffic laws of the City applicable to the driver of a vehicle.

(2) This Section shall not be construed to require the licensing or registration of motorized skateboards; the licensing of motorized skateboard or motorized play vehicle operators or the carrying of insurance covering accidents involving motorized skateboards or motorized play vehicles.

(B) Definitions. In this article, unless the context otherwise requires:

(1) Motorized Skateboard means a self-propelled device that has a motor, gas or electric, a deck on which a person may ride and at least two tandem wheels in contact with the ground, and which is not otherwise defined in Arizona Revised Statutes, Title 28, as a "motor vehicle", "motorcycle", "motor driven cycle", "motorized wheelchair" or "electric personal assistive mobility device."

(2) Motorized Play Vehicle means a coaster, scooter, any other alternatively fueled device, or other motorized vehicle that is self-propelled by a motor or engine, gas or electric and which is not otherwise defined in Arizona Revised Statutes, Title 28, as a "motor vehicle", "motorcycle", "motor driven cycle", "motorized wheelchair" or "electric personal assistive mobility device."

(C) Responsibilities of Parents, Guardians, and Custodians:

(1) The parent, guardian, or legal custodian of any minor or ward shall not authorize or knowingly permit such minor or ward to violate any of the provisions of this Article.

(2) No minor shall operate a motorized skateboard or motorized play vehicle on any City right-of-way, including streets, roadways, and paved alleyways, unless the minor possesses at all times while operating the motorized skateboard or motorized play vehicle a written consent of the minor's parent or legal guardian. The written consent shall be signed by the parent or legal guardian, whose signature shall be notarized, and shall contain the following:

(a) The name and date of birth of the minor.

(b) The residence address of the minor and parent/guardian.

(c) The residence and work telephone number of the parent/guardian.

(d) The following statement:

*16-19 yrs of age  
minor*

I am the parent/guardian of the minor named herein and hereby authorize said minor to operate a motorized skateboard or motorized play vehicle in the City of Yuma. I have read and discussed with said minor the applicable laws of the State of Arizona and of this City regarding the operation of motorized skateboards and play vehicles and have assured myself that said minor understands these regulations.

(D) Operation Prohibited in Certain Areas and at Certain Times:

(1) No person shall operate a motorized skateboard or motorized play vehicle on any sidewalk except for use in crossing such sidewalk to gain access to any public or private road or driveway.

(2) No person shall operate a motorized skateboard or motorized play vehicle in any City parking structure or City park, except for use on public roadways within such park on which a motorized skateboard or motorized play vehicle is otherwise allowed.

(3) No person shall operate a motorized skateboard or motorized play vehicle on any public property that has been posted or designated by the owner of such property as an area in which the operation of motorized skateboards or motorized play vehicles is prohibited.

(4) No person shall operate a motorized skateboard or motorized play vehicle on any private property of another, including any canal bank and irrigation district or any public property which is not held open to the public for vehicle use, without the written permission of the owner, or the owner's authorized agent. ✓

(5) No person shall operate a motorized skateboard or motorized play vehicle on any public roadway having a speed limit established greater than twenty five (25) miles per hour.

(6) No person shall operate a motorized skateboard or motorized play vehicle on a City right-of-way, including streets, roadways, and paved alleyways, except during daylight.

(7) No person shall operate a motorized skateboard or motorized play vehicle on any unpaved alleyway. ✓

(E) General Operating Restrictions:

(1) No child under the age of sixteen (16) shall operate a motorized skateboard or motorized play vehicle.

(2) No person shall operate a motorized skateboard or motorized play vehicle in excess of the posted speed limit or at a speed greater than is reasonable and prudent under the circumstances then existing.

(3) A person operating a motorized skateboard or motorized play vehicle, approaching a sidewalk, bicycle path, bicycle lane, or multiuse path in order to cross such, shall yield the right-of-way to all other users.

(4) No person operating a motorized skateboard or motorized play vehicle shall allow passengers when the motorized skateboard or motorized play vehicle is in operation or motion.

(5) No person operating or riding upon a motorized skateboard or motorized play vehicle shall attach themselves or the motorized skateboard or motorized play vehicle in any manner to any other vehicle.

(6) No person shall operate a motorized skateboard or motorized play vehicle while carrying any package, bundle, or article which prevents the operator from keeping both hands upon the steering mechanism at all times.

(7) No person operating a motorized skateboard or motorized play vehicle shall transport extra fuel in a separate container or alter the fuel reservoir from the original manufacturer's design. This includes the prohibition of physically attaching fuel packs or containers to the operator's person.

(8) No person shall operate a motorized skateboard or motorized play vehicle in a manner causing excessive, unnecessary, or offensive noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to a reasonable person of normal sensitivity.

(9) No person shall operate a motorized skateboard or motorized play vehicle that has been structurally altered from the original manufacturer's design, including but not limited to the alteration or removal of any muffler.

(F) Required Safety Equipment:

- (1) No person shall operate a motorized skateboard or motorized play vehicle at any time when there is not sufficient light to render clearly discernible persons and vehicles at a distance of five hundred feet (500') ahead.
- (2) No person shall operate a motorized skateboard or motorized play vehicle unless it is equipped with a brake, which enables the operator to make a braked wheel(s) skid on pavement.
- (3) A person under the age of eighteen (18) years operating a motorized skateboard or motorized play vehicle on a roadway shall at all times wear a protective helmet on his or her head in an appropriate and safely secured manner. The helmet shall meet minimum standards of testing and safety inspection type approved for bicycle use.
- (4) No person shall operate a motorized skateboard or motorized play vehicle without wearing footwear. The footwear must have a sole and completely cover the feet and toes.
- (5) A person operating a motorized skateboard or motorized play vehicle shall wear, at all times, protective glasses or goggles or a transparent face shield of a type approved for motorcycle or motor-driven cycle use.

(G) Merchant's Disclosure Requirements:

- (1) It is unlawful for a merchant to sell motorized skateboards or motorized play vehicles without making the disclosures required by this section.
- (2) Any merchant who sells motorized skateboards or motorized play vehicles within the City limits of Yuma shall:
  - (a) Post, in a prominent place at each location where motorized skateboards or motorized play vehicles are on display, a notice to the effect that operation of motorized skateboards or motorized play vehicles is regulated by Yuma City Code, Section 213-12.
  - (b) Provide a copy of such notice and a copy of Yuma City Code, Section 213-12 to each purchaser of a motorized skateboard or motorized play

vehicle, either before or in connection with the purchase.

(H) Providing Penalties for Violations Thereof:

(1) Any person who or corporation that violates any provisions of this chapter is subject to a civil sanction pursuant to A.R.S. § 28-626, or any successor, unless a code section defining a specific penalty to an offense provides otherwise.

(2) Any person who violates any provision of § 213-12 of this chapter shall be guilty of a civil offense, which shall be punishable by a minimum civil sanction of \$75, plus the penalty assessments prescribed by statute. If a person is convicted of a second violation of § 213-12 of this chapter within a period of 12 months, the minimum civil sanction shall be a fine of \$100, plus the penalty assessments prescribed by statute. If a person is convicted of a third or subsequent violation of § 213-12 of this chapter within a period of 12 months, the minimum civil sanction shall be a fine of \$125, plus the penalty assessments prescribed by statute. The maximum civil sanction, which may be imposed under § 213-12 of this chapter shall be \$500.

SECTION 2. If any provisions of this ordinance, or the application thereof to any person or circumstance is invalid, the invalidity shall not effect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

Passed and adopted this \_\_\_\_\_ day of 10/6/04, 2004.

APPROVED:

\_\_\_\_\_  
Lawrence K. Nelson  
Mayor

ATTESTED:

\_\_\_\_\_  
Brigitta M. Kuiper  
City Clerk

APPROVED AS TO FORM:

Steven W. Moore  
Steven W. Moore  
City Attorney

# Ordinance O98-24

## 1997 Uniform Building Code

declared a Public Record by R98-11

These codes have not been microfilmed.  
They can be located as attachments to  
the hardcopy version of R98-11.

ORDINANCE NO. 098-24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, REPEALING CITY OF YUMA ORDINANCE NUMBER 2681; AMENDING CHAPTER 7 SECTION 7-18 THROUGH 7-28 OF THE YUMA CITY CODE TO ADOPT THE UNIFORM BUILDING CODE, VOLUME #1, #2 AND #3, 1997 EDITION, FIRST PRINTING, ADOPTING APPENDIX CHAPTERS THREE DIVISION I, THREE DIVISION II, THREE DIVISION IV, CHAPTER FOUR DIVISION I, FOUR DIVISION II, CHAPTER TWELVE DIVISION II, CHAPTER FIFTEEN, CHAPTER TWENTY-ONE, CHAPTER TWENTY-NINE, CHAPTER THIRTY-ONE DIVISION II, THIRTY-ONE DIVISION III, AND CHAPTER THIRTY-THREE OF SAID BUILDING CODE, FOR SAID CITY; AMENDING PORTIONS OF SAID BUILDING CODE, ADOPTING ARIZONA REVISED STATUTES, SECTION 41-1492 ET SEQ BY REFERENCE; PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

Be it ordained by the City Council of the City of Yuma, Arizona as follows;

**ARTICLE I: BUILDING CODE**

**Section 7-1: Title: Building Code:**

**Section 7-2: Adopted:** That certain documents, three (3) copies of which are on file as public record in the office of the City Clerk of the City of Yuma, being marked and titled as Uniform Building Code, 1997 edition, first printing, which was made public record by resolution number R98-11, including Appendices chapter three division I, three division II, three division IV, chapter four division I, four division II, twelve division II, chapter fifteen, chapter twenty-one, chapter twenty-nine, chapter thirty-one division II, thirty-one division III, and chapter thirty-three of said building code, as amended herein, are hereby adopted by reference and made a part hereof as is fully set out herein.

**Section 7-3: Amendments:** The following amendments, additions and deletions are hereby made to the 1997 Uniform Building Code as adopted by this ordinance. Paragraph, section numbers refer to the Uniform Building Code numbering system. Code references not appearing in this section "as amended" shall be enforced as published in the reference document.

**Sec. 105:** That Section 105 be amended to read as follows.

**Board of Appeals:** That the section heading "Board of Appeals" be amended be to read "Building Advisory Board". Whenever reference is made to the Board of Appeals it shall be construed to mean the Building Advisory Board as defined herein.

**Sec. 105.1:** That Section 105.1 be amended to read as follows.

**Building Advisory Board:** There is hereby established a Building Advisory Board

for the purpose of advising the Building Official in matters pertaining to the development and enforcement of this code. The Building Advisory Board shall consist of (2) Architects/Engineers and (3) General Contractors and two citizens, one of whom shall be indirectly associated with the construction industry, IE insurance agent, Realtor, appraiser. A member of the Fire Prevention Bureau of the City of Yuma Fire Department shall be a permanent non-voting member. The Building Official shall be an ex-officio member and shall serve as secretary to said board but shall not vote on any matter before the board. The Building Advisory Board shall be appointed by the City Council and shall hold office at its pleasure.

Should no professionals be available for appointment that meet the criteria listed herein, the City Council may select a person whose background approximates the knowledge and expertise being sought.

Duties of the Building Advisory Board shall be;

1. To elect a chairman from the members who shall preside at the meetings. Said board shall also elect a vice-chairman from the members who shall reside at the meetings during the absence of the chairman. Elections shall be held annually. The board shall adopt such rules and regulations as it sees fit for the proper and efficient discharge of their official duties. A member missing three (3) consecutively scheduled meetings without just cause shall be grounds for replacement by the City Council.

2. To keep an accurate record of all of the building advisory boards official transactions.

**Sec. 105.2:** That Section 105.2 be amended to read as follows.

**Limitations of Authority:** The Building Advisory Board shall have no authority relative to the interpretation of the adopted administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

**Sec. 105.3:** That a new Section 105.3 be added to read as follows.

**Board of Appeals:** The building advisory board shall serve as the board of appeals in deciding appeals of orders, decisions, or determinations of the Building made in writing to the Building Official and the appellant shall appear in person before the board or may be represented by legal council and may introduce evidence to support his claims. Appeals shall be heard at reasonable times at the convenience of the board, but not later than (30) thirty days after receipt of the notice to appellant. The appellant shall cause to be made at his own expense any tests or research required by the board to substantiate his claim.

2. The board shall keep an accurate record of all its official transactions and render all such decisions and findings in writing to the appellant and to other person or persons the Building Official may require and direct.

**Sec. 106.2:** That Section 106.2 be amended to read as follows.

**Work Exempt from Permits:**

1. One, single story detached accessory building associated with one and two family dwellings "R-3" and used as tool and storage sheds, play houses and similar uses. The structure shall not exceed 120 square feet of floor area. Overhangs shall not exceed 24".

5. For the purposes of this section a retaining wall is any wall which retains more than 12" of soil above the top of the footing. Retaining walls which are not over four (4) feet in height measured from the bottom of the footing to the top of the wall and are not a part of the supporting structure for fences, driveways, sidewalks, other surcharges or impounding class I, II or III-A- liquids.

9. Motion picture TV and theater sets shall be subject to the provisions of the film commission guidelines.

10. Window Awnings supported by the exterior wall of Group R, Division 3, and Group U Occupancies when projecting not more than 54 inches and meeting the requirements of section 503.2.1.

11. Prefabricated, above ground, Swimming Pools with a maximum depth of twenty four (24) inches accessory to a Group R, Division 3 occupancy that are designed to be emptied after use and do not require the use of pumps, filters or there equipment for operation, and which have a maximum capacity of 5000 gallons. All pools are required to be enclosed as prescribed in appendix chapter 4 division I.

**Sec. 106.3:** That a second and third paragraph be added to section 106.3.2 to read as follows.

**Submittal Documents:** All plans, specifications, computations and other data for Fire Sprinkler systems, new or altered, shall be designed and prepared by an Engineer or Architect licensed by the state of Arizona to practice as such. Altered systems include relocation or extension of any part of an existing system whether pipe scheduled or hydraulically calculated.

All plans for fire sprinkler systems shall be included as a part of the original submittal of building plans. No permits for vertical construction will be issued until the building and sprinkler plans have been approved.

**Sec. 106.4:** That the first paragraph of Section 106.4.1 to read as follows.

**Issuance:** The application, plans, specifications computations and other data filed by the applicant for a permit shall be reviewed by the Building Official. Such plans may be reviewed by other departments of this jurisdiction to verify compliance with any applicable laws under their jurisdiction. If the Building Official finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this code and other pertinent laws and

ordinances, and that all fees, as required by the jurisdiction have been paid, the Building Official shall issue a permit therefor to the applicant.

**Sec. 108.5:** That Section 108.5.6 be amended to read as follows.

**Final Inspection:** To be made after all inspections, as required by this code and other applicable laws of the jurisdiction, have been performed and it has been determined the building and site is completed and ready to occupy.

**Sec. 108.8:** That the fourth paragraph of section 108.8 be amended to read as follows.

**Reinspection:** To obtain a reinspection, the applicant shall pay the reinspection fee in accordance with Table 1-A or as set forth in the fee schedule adopted by the jurisdiction.

**Table 1-A:** That Table 1-A be amended to read as follows.

**Table 1-A Building Permit Fees:**

Total Valuation	Fee
\$1.00 to \$500.00	\$15.00
\$ 501.00 to \$ 2,000.00	\$15.00 for the first \$500.00 plus \$2.00 for each additional \$100.00, or fraction thereof, to and including \$2000.00
\$2,001.00 to \$25,000.00	\$45.00 for the first \$2,000.00 plus \$9.00 for each additional \$1,000.00. Or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$252.00 for the first \$25,000.00 plus \$6.50 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001 to \$100,000.00	\$414.50 for the first \$50,000.00 plus \$4.50 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$639.50 for the first \$100,000.00 plus \$3.50 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$2,039.50 for the first \$500,000.00 plus \$3.00 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$3,539.50 for the first \$1,000,000.00 plus \$2.00 for each additional \$1,000.00, or fraction thereof.

<b>Other inspections and Fees:</b>	
1. Inspections outside of normal business hours..... per hour* (minimum charge-2 hours)	\$44.00
2. Reinspection Fees assessed under provisions of section 108.8..... per hour*	\$44.00
3. Inspection fees for which no fee is specifically indicated..... per hour* (minimum charge-one-half hour)	\$44.00
4. Additional plan review required by changes, additions or revisions to plans..... per hour* (Minimum charge-one-half hour)	\$44.00
5. For use of outside consultant.. For plan checking and inspections, or both.....	Actual Costs**

\* Or the total hourly cost to the jurisdiction, which ever is the greatest. This shall include supervision, hourly wages and fringe benefits of the employee involved.

\*\* Actual costs include administrative and overhead costs.

**Sec. 310.9:** That new Subsections .6 and .7 be added to Section 310.9.1 to read as follows.

**.6 Existing:** When any existing residential occupancy is sold or converted, the sold or converted unit(s) shall be provided with smoke detectors as specified herein for existing buildings.

**.7 Installation:** Approved Smoke Detectors shall be installed in accordance with the manufacturer's instructions.

**Sec. 312.4:** That the second paragraph of section 312.4, Special Hazards, be amended to read as follows.

**Special Hazards:** Under no circumstances shall a private garage or carport have any opening into a room used for sleeping purposes.

**Sec. 312.5:** That section 312.5 be amended to read as follows.

**Garage floor surfaces:** In areas where motor vehicles are stored or operated, floor surfaces shall be of non combustible, non absorbent materials such as, concrete or asphaltic paving.

**Chapter 11:** That the content of chapter 11 be deleted and replaced with Arizona Revised Statute (ARS) Section 41-1492 et seq, Arizonans With Disabilities Act.

**Sec. 1701.2:** That Section 1701.2 be amended to read as follows.

**Special Inspector:** The special inspector shall be a qualified person who shall demonstrate competence, to the satisfaction of the Building Official, for inspection of the particular type of construction or operation requiring special inspection. The special inspectors qualifications shall be submitted to the Building Official for review and approval as recommended in the Special Inspection Handbook.

**Sec. 1806.7:** That Section 1806.7.1 be amended to read as follows.

**Foundations with stemwalls:** Foundations with stemwalls shall be provided with minimum of one # 5 bar at the top of the wall and one # 5 bar at the bottom of the footing. In addition #4 vertical bars, with a minimum 6 inch std 90 degree hook shall be installed at 48 inches on center and shall be securely tied to the horizontal bars.

**Sec. 1806.7.2:** That Section 1806.7.2, be amended to read as follows.

**Slabs on-ground with turn-down footings:** Slabs on-ground with turn-down footings shall be provided with a minimum of one # 5 bar top and bottom. In addition # 4 vertical bars , with a minimum 6 inch std 90 degree hook shall be installed at 48 inches on center and shall be securely tied to the horizontal bars.

**Sec. 1806.7.2:** That Section 1806.7.2, exception be deleted

**Exception:** Delete.

**Table 18-1-C:** That table 18-1-C be amended to read as follows.

Table 18-1-C

NUMBER OF FLOORS SUPPORTED BY THE FOUNDATION 3	THICKNESS OF FOUNDATION WALL (inches)		WIDTH OF FOOTING (inches)	THICKNESS OF FOOTING (inches)	DEPTH BELOW UNDISTURBED GROUND SURFACE	REQUIRED FOOTING REINFORCING 4,5		REQUIRED STEM REINFORCING 4,5	
	CONCRETE	UNIT MASONRY				HORZ	VERT	HORZ	VEER
1	6	6	12	6	12	1	1	1	1
2	8	8	15	7	18	2	1	1	1
3	10	10	18	8	24	3	1	2	1

1. Where unusual conditions or frost conditions are found, footings and foundations shall be as required in section 1806.1.
2. The ground under the floor may be excavated to the top of the footing.
3. Foundations may support a roof in addition to the stipulated number of floors. Foundations supporting roofs only shall be as required for supporting one floor.
4. Minimum reinforcing size shall be #5 (5/8")
5. Vertical reinforcing shall be spaced a maximum forty eight inches (48") on center.

**Sec. 1900.4.4:** That section 1904.4 be amended to read as follows.

**Minimum Slab Thickness:** The minimum thickness of concrete floor slabs supported directly on the ground shall be not less than 3 ½ inches and such slab shall

be provided with control, contraction or expansion joints at a maximum of 12 feet on center in both directions.

**Sec. 2320.5.1:** That section 2320.5.1 be amended, by the addition of a second exception, to read as follows.

**Exception #2:** An attached, single story, U occupancy in association with an R-3 occupancy, may have braced wall line spacing increased to 34 feet on center in one direction to accommodate a single U occupancy not exceeding 900 square feet. The Building official may require additional walls to contain braced wall panels when this exception is used.

**Table. 23-IV-B:** That Table 23-IV-B be amended, by the addition of a footnote number "# 3" to items 2, 3, 4, 5, of the table to read as follows.

**Footnote #3:** Interior non-bearing walls may be topped with a pony wall to match the slope of a vaulted ceiling. Both sections of the wall shall have double plates. The wall shall be finished with a minimum of ½" drywall on both sides. The drywall shall overlap the connection of the base wall and the pony wall not less than twelve inches (12"). Interior braced wall lines shall intersect such walls at a maximum of twenty five feet (25' o/c).

**Table. 23-IV-B:** That Table 23-IV-B be amended, by the addition of a footnote number "# 4" to item 5, of the table to read as follows.

**Footnote #4:** Exterior walls may have the stud height increased to eighteen foot six inches, (18'6"), under the following conditions. Stud spacing shall be 2X6 spaced a maximum of sixteen inches on center (16" o/c). The wall shall have solid blocking evenly distributed, vertically, throughout the wall at not more than four foot on-center, (4' O/C), and shall be sheathed on one side with not less than three-eighths inch, (3/8"), structural sheathing nailed on all edges at four inches on center, (4" O/C). Field nailing shall be at six inches on center, ( 6" O/C).

**Sec. 2602.4:** That section 2602.4 be amended to read as follows.

**Thermal Barrier:** The interior of the building shall separated from the foam plastic insulation by an approved thermal barrier having an index of 15 when tested in accordance with U.B.C. Standard No. 26.2. The thermal barrier shall be installed in such a manner as to be in substantial contact with the foam plastic insulation. If substantial contact can not be accomplished all voids shall be filled with mineral fiber or other approved insulating material. The thermal barrier shall be secured such that it will remain in place for the time of its index classification based on approved diversified tests.

**Sec. 2902.3:** That section 2902.3 be amended to read as follows.

**Groups, B, F, H, M and S Occupancies:** In Groups B, F, H, M and S Occupancies, buildings or portions thereof where persons are employed shall be provided with

restrooms as specified in Appendix Chapter 29 of this code.

**Appendix Chapter 4, Division I:** That section 419.1 be amended to read as follows:

**Scope:** The provisions of this section shall apply to the design and construction of barriers for all swimming pools.

**Appendix Chapter 4, Division I:** That sentence #1, #2 and #3 of item 1 of section 421.1 be amended to read as follows:

**Outdoor Swimming pool:** The top of the barrier shall be at least 60 inches above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 4 inches. The surface below the barrier shall be a solid surface such as a concrete deck, and shall extend a minimum of 12" beyond either side of the barrier. On above ground pools the barrier may be mounted on the top of the aboveground pool structures.

**Appendix Chapter 33:** That the first paragraph of section 3305 be amended to read as follows.

**Scope:** This appendix sets forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments; establishes the administrative procedure for issuance of permits; and provides for approval of plans and inspection of grading construction. The provisions of this appendix are intended to be used in conjunction with the provisions set forth in City Ordinance No. 1670; and 1836.

**Sec. 3309:** That section 3309 be amended by adding a new subsection 3309.11 to read as follows.

**Dust control:** Prior to construction a plan shall be submitted to the Building Official outlining the steps that will be taken throughout construction to minimize and control dust associated with the project.

**Appendix Chapter 34:** That section 3406.2 be amended to read as follows.

**Effective Date:** Within 18 months after the issue of notice and order to the building owner, plans for compliance shall be submitted and approved, and within 18 months thereafter the work shall be completed or the building shall be vacated until made to comply.

**Section 7.4: Conflicts:** Where, in any specific case, different sections of this code and other codes of the jurisdiction specify different materials, methods of construction or other requirements, the more restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

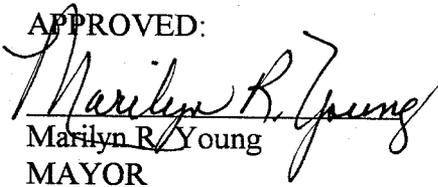
**Section 7-5: Penalty for violation:** Unless otherwise specifically provided for in this

chapter, any person or corporation who shall violate any provision of the code adopted by the provisions of this chapter shall be guilty of a Class I Misdemeanor, and shall be punished as provided in section 1-10 of the city code.

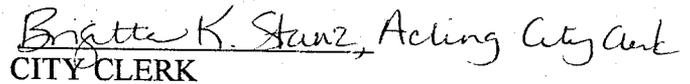
**Section 7-6: Validity:** If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

**PASSED AND ADOPTED** by the City Council of the City of Yuma, Arizona this 15th day of April 1998.

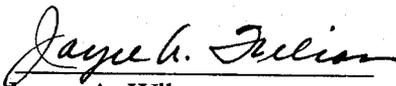
APPROVED:

  
Marilyn R. Young  
MAYOR

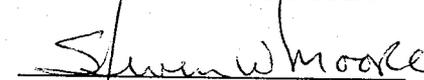
ATTEST:

  
Brigitte K. Stanz, Acting City Clerk  
CITY CLERK

REVIEWED BY

  
Joyce A. Wilson  
CITY ADMINISTRATOR

APPROVED AS TO FORM

  
Steven W. Moore  
CITY ATTORNEY

1997ubc.009  
revised 02/24/98

RESOLUTION NO. 2800

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, ADOPTING THE YUMA PM-10 STATE IMPLEMENTATION PLAN AS REQUIRED BY THE CLEAN AIR ACT AMENDMENTS OF 1990 AND DECLARING AN EMERGENCY WITH REASONS THEREFOR.

WHEREAS, the State of Arizona Department of Environmental Quality (ADEQ), promulgated regulations and established a State Implementation Plan for purposes of complying with the Clean Air Act Amendments of 1990, said Plan known as the "Implementation Plan for the Yuma PM-10 Nonattainment Area";

NOW, THEREFORE, be it resolved by the City Council of the City of Yuma, Arizona, as follows:

SECTION 1: That the State Implementation Plan for the Yuma PM-10 Nonattainment Area, three (3) copies of which are on file in the office of the City Clerk, which was made public record by Resolution No. 2799 of the City of Yuma, is hereby referred to, adopted and made a part hereof as if fully set out in this resolution.

SECTION 2: That the City Administrator or designee is hereby authorized to execute any and all documents necessary for the adoption and implementation of said Plan.

SECTION 3: That in order to preserve the public peace, health, and safety within the City of Yuma, it is necessary that this resolution become immediately operative to avoid the imposition of sanctions against the City of Yuma as authorized by the Clean Air Act Amendments of 1990; and as such shall be exempt from the referendum and shall become immediately effective from and after its passage by Council as provided by the Charter of the City of Yuma.

PASSED AND ADOPTED this 15th day of June, 1994.

ATTEST:

Caree L. Fossil  
City Clerk

APPROVED:

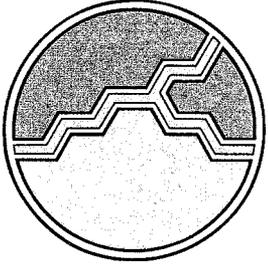
Marilyn R. Young  
Marilyn R. Young, Mayor

APPROVED AS TO FORM:

Steven W. Moore  
Steven W. Moore  
City Attorney

REVIEWED BY:

Paul R. Cove  
City Administrator



**City of YUMA**

## CERTIFICATION

I, Brigitta K. Stanz, do hereby certify that I am the duly appointed City Clerk of the City of Yuma, Arizona, and that the attached ordinance, Ordinance No. 2638, is a true and correct copy of the ordinance on file in the Office of the City Clerk.

Brigitta K Stanz

Brigitta K. Stanz, City Clerk

1-21-03

Date

ORDINANCE NO. 2638

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, ESTABLISHING PROCEDURES AND REGULATIONS FOR DUST ABATEMENT; ESTABLISHING DUST CONTROL MEASURES RELATIVE TO DUST PRODUCING LOADS ON VEHICLES; AMENDING THE YUMA CITY CODE, CHAPTER 30, AND PROVIDING A PENALTY FOR VIOLATION THEREOF.

WHEREAS, the City Council of the City of Yuma is desirous of implementing dust abatement measures which would enable the City to comply with the Clean Air Act Amendments of 1990 and The Yuma PM-10 State Implementation Plan (SIP);

NOW, THEREFORE, be it ordained by the City Council of the City of Yuma as follows:

Section 1. That the Yuma City Code is hereby amended by adding the following sections:

**Sec. 30-10. Roadways and streets.**

A. No person shall cause, suffer, allow or permit the use, repair, construction or reconstruction of a roadway or alley without taking reasonable precautions to prevent excessive amounts of particulate matter from becoming airborne. Dust and other particulates shall be kept to a minimum by employing temporary paving, dust suppressants, wetting down, detouring or by other reasonable means.

B. No person shall cause, suffer allow or permit transportation of materials likely to give rise to airborne dust without taking reasonable precautions, such as wetting, applying dust suppressants, or

covering the load, to prevent particulate matter from becoming airborne. Earth or other material that is deposited by trucking or earth moving equipment shall be removed from paved streets by the person responsible for such deposits.

**Sec. 30-11. Material handling.**

No person shall cause, suffer, allow or permit crushing, screening, handling, transporting or conveying of materials or other operations likely to result in significant amounts of airborne dust without taking reasonable precautions, such as the use of spray bars, wetting agents, dust suppressants, covering the load, and hoods to prevent excessive amounts of particulate matter from becoming airborne.

Section 2. It shall be unlawful for any person, firm or corporation to violate, or cause the violation of, any provision of this Ordinance. Any person, firm or corporation violating any of the provisions or the requirements of this Ordinance shall be guilty of a Class 3 Misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed five hundred dollars (\$500) or by imprisonment for not more than one (1) day or by both fine and imprisonment. Each separate day or part thereof during which any violation of this Ordinance occurs or continues shall be deemed to

constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

PASSED AND ADOPTED this 30<sup>th</sup> day of November, 1993.

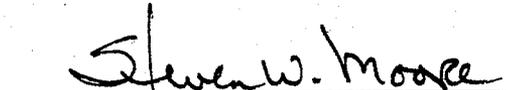
ATTEST:

  
\_\_\_\_\_  
Manda Kuchar  
City Clerk

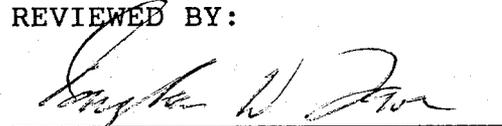
APPROVED:

  
\_\_\_\_\_  
Robert H. Tippet  
Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Steven W. Moore  
City Attorney

REVIEWED BY:

  
\_\_\_\_\_  
Douglas W. Lowe  
City Administrator

RESOLUTION NO. 2682

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, COMMITTING TO IMPLEMENT CERTAIN PARTS OF THE STATE IMPLEMENTATION PLAN FOR THE YUMA PM<sub>10</sub> NONATTAINMENT AREA; AND ENTERING IN THE PUBLIC RECORD THE CITY COUNCIL'S COMMENTS REGARDING CERTAIN MATERIAL CONTAINED IN THAT PLAN.

WHEREAS, the United States Environmental Protection Agency has declared the Yuma area a PM<sub>10</sub> nonattainment area, and

WHEREAS, the local jurisdictions believe this characterization to be inaccurate, and

WHEREAS, nevertheless, the City of Yuma believes it is imperative that a plan be developed and submitted to EPA, notwithstanding any City objection, and

WHEREAS, the State of Arizona has prepared a State Implementation Plan for the Yuma PM<sub>10</sub> Nonattainment area, and

WHEREAS, consensus was reached by the Arizona Department of Environmental Quality and the local governmental entities, to be codified in the final State Implementation Plan for the Yuma PM<sub>10</sub> nonattainment area, such consensus stated in the October 31, 1991 public hearing record and attached as Exhibit A and incorporated herein by reference,

NOW, THEREFORE, be it resolved by the City Council of the City of Yuma, Arizona, as follows:

SECTION 1. That the City of Yuma commits to support the State Implementation Plan, with specific action steps as outlined in the attached Exhibit A.

SECTION 2. That the attached Exhibit A is the consensus statement introduced at the public meeting on October 31, 1991, and incorporates additional discussion at that hearing as well as Table 6.0.

SECTION 3. That the City of Yuma adopts comments to accompany the State Implementation Plan which are attached hereto and incorporated herein as Exhibit B.

SECTION 4. That the City of Yuma intends to implement the action steps as set forth herein, subject to the availability of funding.

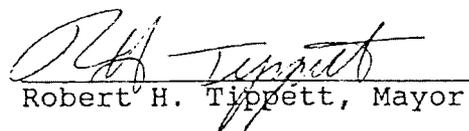
SECTION 5. That the Yuma City Council will consider offsets and modifications to the control measures set forth herein and additional strategies, as appropriate, during the continuing planning process, all to be coordinated with ADEQ.

PASSED AND ADOPTED this 6<sup>th</sup> day of November, 1991.

ATTEST:

  
City Clerk

APPROVED:

  
Robert H. Tippett, Mayor

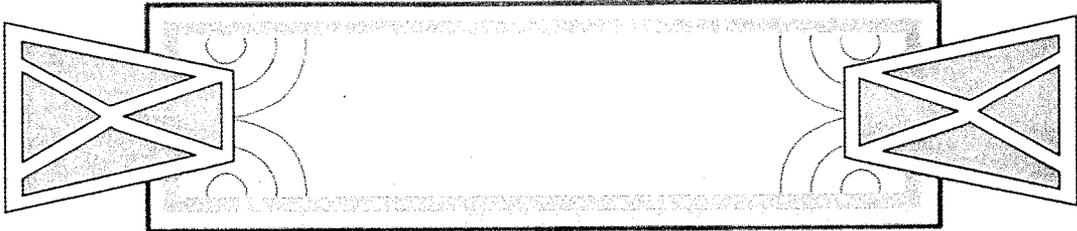
Resolution No. ~~2388~~  
November 6, 1991  
Page 3

APPROVED AS TO FORM:

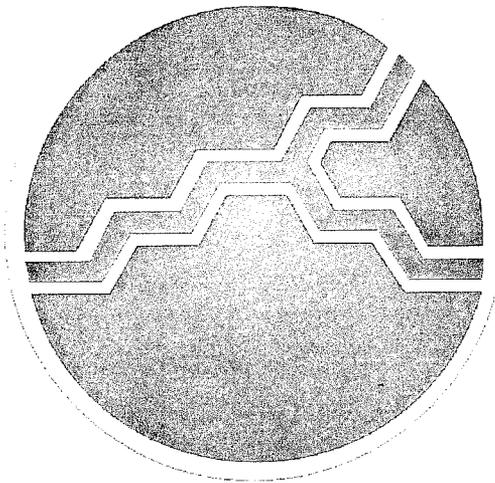
Steven W. Moore  
City Attorney

REVIEWED BY:

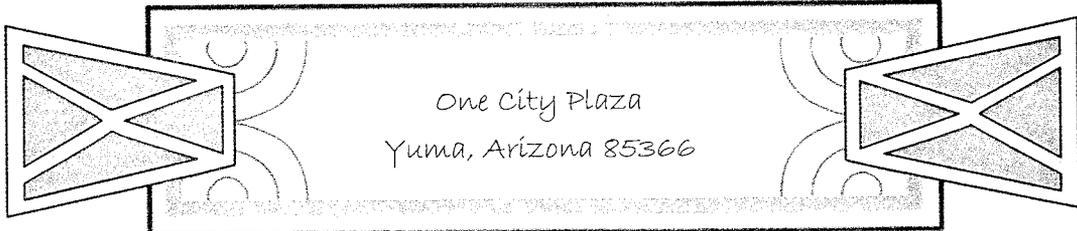
Langston W. Jones  
City Administrator



*City of Yuma*  
*Zoning Ordinance*



*City Code*  
*Title 15, Chapter 15A*



One City Plaza  
Yuma, Arizona 85366

## § 154-396 General Requirements.

(A) The duty to provide and maintain off-street parking and loading spaces herein required shall be the joint and several responsibility of the owner and occupant of the land on which is established any use for which any off-street parking or loading space is required to be provided and maintained.

(B) No building permit shall be issued, no use shall be established or changed, and no structure shall be erected, enlarged or reconstructed unless the applicant has presented satisfactory evidence to the building official that the off-street parking and loading spaces herein required are provided in the minimum amounts and maintained in the manner specified; provided, however:

(1) For the enlargement of a structure or for the expansion of a use of structure or land there shall be required only the number of off-street parking and loading spaces as would be required if such enlargement or expansion were a separate new structure or use; and

(2) For a change in the class or use of a structure or land, the number of additional off-street parking and loading spaces required shall be equal to the number required for the new use, less the number of spaces which would have been required for the previous use if it had been established in conformance with this subchapter; but in no case shall the total number of spaces furnished be required to exceed the minimum number required for the new use.

(C) For the purpose of this subchapter, an ***OFF-STREET PARKING SPACE***, unless otherwise provided in this subchapter, shall mean an area usable for the parking of a motor vehicle located entirely on private property consisting of a rectangle measuring no less than ten feet by 20 feet, exclusive of those additional areas required for safe ingress and egress to said space, whether enclosed or open to the sky, with a vertical clearance of at least seven feet, and provided with permanent access as designated by these regulations.

(D) For the purposes of this subchapter, a ***PARKING LOT*** shall mean any off-street parking facility designed to accommodate four or more required parking spaces as specified in this chapter. Parking lots shall conform to the design standards contained herein as well as other applicable city standards.

(E) All off-street parking spaces, parking lots, and loading areas shall be paved with a durable, dust-free surface of masonry; Portland cement, asphaltic concrete, or other durable, hard-faced material, except residential uses in the agriculture or suburban ranch zoning districts where gravel or ABC may be used.

(F) Gross floor area, for determining off-street parking and loading requirements,

shall mean the sum total of the gross areas of the several floors of a building or buildings measured from the exterior faces of exterior walls, or from the centerline of walls separating two buildings; and including open areas either covered or open to the sky used for serving the public as customers, patrons, clients or patients. Gross floor area shall not include: Underground parking space, uncovered steps, exterior balconies, exterior walkways, restrooms, or mechanical equipment areas.

(G) Joint usage of parking: The joint use of a parking lot for two or more buildings or mixed uses may be permitted provided that:

(1) The total number of spaces used together is not less than the sum required for various buildings or uses if computed separately.

(2) That the lot is in the same zoning district, or in a district that permits as a principal use the activity for which the parking is provided.

(3) A legal agreement prepared by and between users is filed with the Department of Development Services and the County Recorder.

(H) Parking spaces for the handicapped: A minimum 2% of the parking spaces required in all public places shall be provided in convenient locations and reserved for the handicapped, however, that no parking lot shall have less than one such parking space. The stall width for a parking space for the handicapped shall be not less than 12 feet in width and a ramp shall be provided if there is a change of level from the parking lot to the adjoining walk or building. Said spaces and ramps shall further conform to the provisions of A.R.S. § 41-1492.

(I) Fractional measurements: Unless otherwise provided for in the specific regulations, one additional parking space shall be required if the fractional number of one-half or more is calculated for required parking spaces.

('80 Code, App. A, § 160) (Ord. 583, passed 9-16-52; Ord. 800, passed 5-17-60; Ord. 1812, passed 2-7-79) Penalty, see § 154-999



**§ 154-008 Enforcement.**

(A) *Zoning Administrator.* The Planning Director, also known as Director of Planning, or an authorized deputy acting under his direction, shall be the Zoning Administrator. The Zoning Administrator, or his authorized deputy shall:

- (1) Supply information about, and provide interpretations of, this chapter to the public, city departments and other agencies.
- (2) Provide advice and assistance to all applicants for zoning actions.
- (3) Accomplish all administrative actions required by this chapter; including receiving applications giving notice of hearings, preparation of reports, and processing appeals.
- (4) Enforce the provisions of this chapter pertaining to the erection, construction, moving, reconstruction, conversion, alteration or addition to any building or structure and the use of any land, building, or premise.
- (5) Inspect buildings, structures and lands as may be necessary or desirable for enforcement of this chapter.

(B) *Officials and employees.* All officials and employees of the city vested with the authority or duty to issue permits shall conform to the provisions of this chapter and shall issue no permit, certificate or license for uses, purposes, buildings, or structures in conflict with the provisions of this

chapter; any such permit, certificate or license issued in conflict with the provisions of this chapter shall be null and void.

(C) *Violations.* Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this chapter, and any use of any land, building, or premise established, conducted, operated or maintained contrary to the provisions of this chapter shall be, and the same is hereby, declared to be unlawful and a public nuisance; the Zoning Administrator shall immediately commence action or proceedings to abate, to remove or to enjoin occupancy of such building, structure or land in the manner provided by law, and shall take such other steps and shall apply to such Courts as may have jurisdiction to grant relief as will abate and remove such buildings or structures, and restrain and enjoin any person, firm or corporation from setting up, erecting, building, maintaining, occupying or using any such building or structure or using property contrary to the provisions of this chapter. The remedies provided for herein shall be cumulative and not exclusive. ('80 Code, App. A, § 200) (Ord. 583, passed 9-16-52; Ord. 1378, passed 9-4-74)

#### § 154-009 Zoning Board of Adjustment.

(A) The Zoning Board of Adjustment shall consist of seven residents of the city appointed by the City Council as follows:

(1) Members shall be appointed for five-year terms, except that in the event of the death, resignation, or removal of a member, the vacancy is to be filled for the unexpired term.

(2) The terms of membership shall expire on January 31, in five-year increments from the following years of initial board member appointment:

- (a) One member in 1975.
- (b) Two members in 1976.
- (c) One member in 1977.
- (d) Two members in 1978.
- (e) One member in 1979.

(B) The Board shall annually elect a Chairman and Vice Chairman from among its membership. The Planning Director, or an authorized deputy, shall serve as Secretary. The Chairman, Vice Chairman, or a Chairman Pro Tem, shall have the power to administer oaths and take evidence.

(C) Meetings of the Board shall be open to the public and the minutes of its proceedings, showing the vote of each member, and records of its examinations, and other official actions shall be filed with the Planning and Neighborhood Services Division as a public record.

Miscellany – Updated Dust Control Codes (City of Yuma)

**§ 150-015 (A) Adoption of International Building Code 2003.**

(A) That certain documents, three copies of which are on file as public record in the office of the City Clerk of the City of Yuma, being marked and titled as the International Building Code 2003, which was made public record by Resolution R2003-67, including Appendix of said building code, as amended herein, are hereby adopted by reference and made a part hereof as is fully set out herein.

**§ 154-021 Permitted Principal Uses.**

(J) Self-storage facilities shall be permitted for the keeping of household items or personal belongings, and for the purposes of dead storage, but in no event shall self-storage facilities be used for retail sales business conducted on the premises, nor as a distribution point for products or materials. Such self-storage facilities as permitted herein shall be subject to the following development standards which shall be in addition to the development standards specified by this subchapter:

(4) All parking and loading/unloading areas within the site shall be paved in the manner specified by §§ 154-395 through 154-403 of this chapter.

**§ 154-024 Property Development Standards.**

In addition to regulations and requirements contained in other sections of this chapter, the following minimum property development standards apply to all land and buildings in the AG District:

(F) *Landscaping and irrigation.* Landscaping and irrigation shall be provided in the manner set forth in §§ 154-445 through 154-451 of this chapter.

**§ 154-055 Development Standards.**

In addition to the regulations and requirements contained in other sections of this chapter, the following minimum property development standards apply to all land and buildings in the Residential Estate Districts as may be designated on the official zoning map:

(F) *Landscaping and irrigation.* Landscaping and irrigation shall be provided in the manner set forth in §§ 154-445 through 154-451 of this chapter.

**§ 154-070 Development Standards.**

In addition to the regulations and requirements contained in other sections of this chapter, the following minimum property development standards apply to all land and

buildings in the five Low Density Residential Districts as may be designated on the official zoning map:

(F) *Landscaping and irrigation.* Landscaping and irrigation shall be provided in the manner set forth in §§ 154-445 through 154-451 of this chapter.

**§ 154-085 Development Standards.**

In addition to the regulations and requirements contained in other sections of this chapter, the following minimum property development standards apply to all land and buildings in the Medium Density Residential District as may be designated on the official zoning map:

(G) *Landscaping and irrigation.* Landscaping and irrigation shall be provided in the manner set forth in §§ 154-445 through 154-451 of this chapter.

**§ 154-100 Development Standards.**

In addition to the regulations and requirements contained in other sections of this chapter, the following minimum property development standards apply to all land and buildings in the High Density Residential District as may be designated on the official zoning map:

(G) *Landscaping and irrigation.* Landscaping and irrigation shall be provided in the manner set forth in §§ 154-445 through 154-451 of this chapter.

**§ 154-129 Development Standards.**

To meet the purpose of this district, all uses within the Recreation Vehicle Subdivision District on legally created lots recorded with the County of Yuma prior to July 1, 1995 shall comply with the following minimum development standards:

(M) *Landscaping:* Street yard setbacks to the boundary walls, setbacks between the Recreation Vehicle Subdivision District and adjacent Residential or Agriculture Districts, stormwater detention basins, and any common recreational facilities shall be landscaped in accordance with the §§ 154-445 through 154-451 of this chapter.

**§ 154-159 Development Standards.**

(C) *Streets.* Park roadways shall have a minimum width of 32 feet between curbs and be paved with asphaltic concrete or equivalent. All street corners shall have a minimum turn radius of 25 feet.

**§ 154-159 Development Standards.**

(A) *Land area.* The minimum area of land used for a manufactured home park, recreational vehicle park, and recreational vehicle cooperative (or combination thereof) shall be three acres. A lot, parcel, or tract of land less than three acres may be rezoned if it adjoins an existing Manufactured Housing Park (MHP) District.

(C) *Streets.* Park roadways shall have a minimum width of 32 feet between curbs and be paved with asphaltic concrete or equivalent. All street corners shall have a minimum turn radius of 25 feet.

(2) *For recreational vehicle parks and recreational vehicle cooperatives.* One parking space, as defined in this chapter, shall be provided for each recreational vehicle unit space, and shall not be located within any private drive or other access way. Said parking shall be paved with a durable, dust-free surface, and shall be located within either 50 feet of the recreational vehicle unit space being served, or within a common parking area located no more than 300 feet from the recreational vehicle. No parking space shall be located within the minimum street setback as specified herein. A minimum of one visitor parking space shall be provided for each five recreational vehicle spaces occupied by a permanently sited unit.

### **§ 154-173 Development Standards.**

To meet the purpose of this district, all uses shall comply with the following minimum development standards:

(C) *Yards.*

(1) All buildings, including accessory structures shall be set back a minimum of 20 feet from any public or private street right-of-way line. A minimum setback of 20 feet shall also be provided from any side or rear property line shared with a residential zoning district, except landscaping for such required setback(s) may be reduced to five feet in width when the transitional property is developed with buildings and/or structures containing no more than 5,000 square feet gross enclosed floor area.

(2) Required yards fronting on a public or private street shall be landscaped as set forth in §§154-445 through 154-451 of this chapter and shall not be used for parking, loading, or product display.

### **§ 154-190 Development Standards.**

In addition to the regulations and requirements contained in other sections of this chapter, the following minimum property development standards apply to all land and buildings in the Old Town (OT) District as may be designated on the official zoning map:

(G) *Landscaping and irrigation.*

(1) No landscaping or irrigation materials required by this subchapter shall be installed without a permit issued by the Zoning Administrator. All landscaping and irrigation design plans for property within the Old Town (OT) District shall be submitted for review and approved by the Zoning Administrator. The Historic District Review Commission shall hear all appeals of such decisions made by the Zoning Administrator for property in the Old Town (OT) District.

(2) Landscaping and irrigation shall be provided as follows:

(a) For all development, landscaping shall be provided as required in §§ 154-445 through 154-451 of this chapter.

(b) Street landscape setbacks adjacent to on-site required and provided parking shall include the following items:

1. A mixture of minimum size five-gallon shrubs and vegetative ground cover.
2. One minimum size 24-inch box tree at minimum 50 foot intervals.
3. A three-foot to four-foot high wrought iron fence, or fence of similar open design.

(c) Automatic irrigation system.

### **§ 154-202 Procedural Regulations.**

The PSC Zoning District may be established and made a part of the zoning district maps pursuant to § 154-011 of this chapter prior to approval of a plan of development. However, before building permits can be issued, a plan of development shall be submitted and approved in accordance with the following procedure:

(A) The owners or their agents shall file with the Planning Director a plan of development to be approved by the City Council upon review and report by the Planning Commission. The plan of development shall include a site plan illustrating the proposed size and location of all buildings and structures, parking areas, landscaped areas and traffic circulation, street improvement, water, sewer and drainage plans, and a schedule of development. A market feasibility study, landscaping plans and architectural elevations may be required if necessary to insure that the purpose of the PSC Zoning District will be accomplished.

(C) The recommendations of the Planning Commission shall include the reasons for approval or disapproval of the plan of development, and if recommended for approval, evidence demonstrating the following specific purposes of the PSC Zoning District will be accomplished.

(3) There will be adequate landscaping or screening, architectural unity, sign control, and drainage facilities to preserve and protect surrounding residential areas and general community character;

**§ 154-203 Property Development Standards.**

The following minimum standards shall apply to all property developed within the PSC Zoning District:

(G) *Landscaping and screening.*

(1) Where the boundary of a planned shopping center abuts property or a public alley within a residential zoning district, a six-foot solid wall shall be provided. A four-foot solid wall shall be provided along all other boundaries of the shopping center site. The four-foot solid wall requirement may be waived if landscaping plans, which provide for the establishment and maintenance of a minimum ten-foot wide landscaped buffer area and which will effectively screen the shopping center buildings and parking areas from surrounding properties, are included in the approved plan of development.

**§ 154-218 Development Standards.**

To meet the purpose of this district, all uses shall comply with the following minimum development standards:

(C) Yards:

(2) A minimum landscaped building and parking setback of 20 feet shall be required from any side or rear property line shared with a residential zoning district, except such required setback(s) may be reduced to five feet in width when the commercial property is developed with buildings and/or structures containing no more than 5,000 square feet gross enclosed floor area.

(3) Any required yard fronting on a public or private street right-of-way shall be landscaped as set forth in §§ 154-445 through 154-451 of this chapter and shall not be used for parking, loading, maneuvering aisle, or product display.

**§ 154-233 Development Standards.**

To meet the purpose of this district, all uses shall comply with the following minimum development standards:

(C) Yards:

(2) A minimum landscaped building and parking setback of 20 feet shall be required from any side or rear property line shared with a residential zoning district, except such required setback(s) may be reduced to five feet in width when the

commercial property is developed with buildings and/or structures containing no more than 5,000 square feet gross floor area.

(3) Any required yard fronting on a public nor private street right-of-way shall be landscaped as set forth in §§ 154-445 through 154-451 of this chapter and shall not be used for parking, loading, maneuvering aisle, or product display.

### **§ 154-249 Development Standards.**

To meet the purpose of this district, all uses shall comply with the following minimum development standards:

(D) *Setback building line.*

(4) *Landscaping.* Any required yard, and a minimum of five percent of off-street parking lots containing 20 or more spaces shall be landscaped as set forth in §§ 154-445 through 154-451 of this chapter.

(H) *Landscaping.* All landscaping shall be in accordance with [§§ 154-445](#) through [154-451](#) of this chapter.

### **§ 154-264 Development Standards.**

(B) *Landscaping.*

(1) All landscaped areas, whether required or provided voluntarily; shall meet the requirements stated in [§§ 154-445](#) through [154-451](#) of this chapter.

(2) All landscape materials shall be allowed to grow to their natural height and shape appropriate for that plant.

(3) Automatic irrigation (maximizing drip irrigation) is required for all landscaped areas.

### **§ 154-273 Development Standards.**

(A) *Setbacks.* The intent is to provide an attractive and dramatic setting for the display of vehicles. New vehicles displays are to be the focal point of the setback. Landscaping may be used to provide a setting of beauty and visual interest that would enhance the focal points.

(1) The landscape area may extend to and include portions of the public right-of way.

(4) Isolated new car vehicle display pads may be located within this 15 foot landscaped setback area, provided they will not conflict with sight visibility triangles.

Two-thirds of the landscaped area shall be reserved for landscaping. Up to one-third of the surface area within the setback may be used for the isolated/distinct vehicle display pads.

(5) The landscape emphasis should be on low-mounded turf with accents of ground covers, low shrubs, linear placement of palm trees and hard landscape features.

(B) *Rear Vehicle Storage Yards.* The following development standards apply to rear vehicle storage yards over one acre in size and located a minimum 300 feet from an arterial road upon which the business has frontage:

(2) Landscaping requirements may be reduced by fifty percent.

(B) *Rear Vehicle Storage Yards.* The following development standards apply to rear vehicle storage yards over one acre in size and located a minimum 300 feet from an arterial road upon which the business has frontage:

(1) An all-weather crushed gravel ground cover may be utilized in lieu of the general blacktop/asphalt code requirement for paving.

(2) Landscaping requirements may be reduced by fifty percent.

### **§ 154-277 Standards.**

(H) *Off-street parking.* On-site parking shall be provided per the following:

All required parking spaces shall be paved. Pavers or turf-blocks may be used to allow for percolation of storm water runoff. The creation of on-site parking shall not reduce or eliminate the required front yard setback and required landscaping.

### **§ 154-305 Development Standards.**

To meet the purpose of this district, all uses shall comply with the following minimum development standards:

(C) *Yards.* All buildings, including accessory structures, shall be set back a minimum of 20 feet from any property line shared with a residential zoning district. Required yard setbacks shall be landscaped as set forth in §§ 154-445 through 154-451 of this chapter and shall not be used for parking or loading.

(F) *Landscaping.* The provisions of §§ 154-445 through 154-451 of this chapter shall apply only to required yard setbacks adjacent to residential district, and to parking lots provided for use by the visiting public.

### **§ 154-318 Development Standards.**

(B) *Building requirements.*

(2) All buildings shall be designed and constructed so that no odor, dust, noise, vibration, smoke, heat, glare, noxious gas, radio communication interference, radiation, or other emission shall occur outside the building.

**§ 154-333 Development Standards.**

To meet the purpose of this district, all uses shall comply with the following minimum development standards, and further provided, that no use or activity shall create noise, odor, dust, vibration, heat, smoke, glare, noxious gas, radio communication interference, or other emission beyond the property lines of the site.

(B) *Yards.*

(2) Required yards fronting on any public or private street shall be landscaped as set forth in §§ 154-445 through 154-451 of this chapter and shall not be used for parking, loading, or product display.

**§ 154-348 Development Standards.**

To meet the purpose of this district, all uses shall comply with the following minimum development standards:

(B) *Yards.*

(2) Required yards fronting on any public or private street shall be landscaped as set forth in §§ 154-445 through 154-451 of this chapter and shall not be used for parking, loading, or product display.

**§ 154-389 Development Standards.**

(E) *Walls and fences:* Any wall or fence as may be erected along any street line, side property line, or rear property line, whether to meet the requirements of the chapter or provided voluntarily, shall comply with the minimum requirements for unobstructed traffic visibility as specified in [§ 154-006\(D\)](#) of this chapter. Walls and fences in the front yard setback area shall be constructed so that they can be seen through or over so as to comply with the Crime Prevention Through Environmental Design (CPTED) principles of surveillance.

(F) *Landscaping and irrigation:* Landscaping and irrigation shall be according to [§§ 154-445](#) through [154-451](#) of this chapter. Additionally, a 30 foot buffer area surrounding any new construction site shall be maintained during entire construction period, within which no building materials may be stored, and which shall be clear of vegetation, debris and other combustible materials.

(J) *Lot coverage:* None, however all public and private development of lands located within the RO Zoning District must provide adequate site improvements including, but not necessarily limited to, parking, landscaping and the on-site retention of storm water.

### **§ 154-397 Parking Lots.**

(A) *Design standards.*

(3) The scale of the site plan shall contain not more than 50 feet to the inch. The site plan shall be drawn according to the following requirements and shall show these items detailed herein:

(h) Landscaping, walls, lighting and irrigation system.

(6) Landscaping and irrigation: Landscaping and irrigation shall be provided in the manner set forth in §§ 154-445 through 154-451 of this chapter except that when required to comply with development standards following the loss of a nonconforming status or change of use a landowner or tenant shall not be required to reduce the parking area by more than 10% or reduce the parking area to a size which would not satisfy the minimum parking requirements for any lawful use of such lot, parcel, or land.

(B) *Landscaping.*

(1) *Interior.* A minimum of five percent of the off-street parking lot containing 20 or more spaces shall be landscaped.

(2) *Peripheral planting.* On the exterior edge of a parking lot containing 20 or more spaces, a planting strip not less than three feet in width shall be provided parallel to the front and side yard right-of-way lines. The visibility triangle requirements of shall be complied with on all parking lots including driveways.

(C) *Improvement of parking lots (four or more required spaces).* All parking lots shall be improved as follows:

(2) Surfaced with a hard-faced material.

(5) A barrier shall be constructed between all parking lots and adjacent residential uses or districts so that the adjacent residents are not unreasonably disturbed, either by day or night, by the operation of vehicles. These barriers shall be required along any property line or required setback line for that portion of the lot which adjoins or lies across the street, alley or other public way from the said residential area, except for necessary driveways. The barrier shall be a solid wall or fence, or permanently maintained dense vegetation, and shall be three feet in height within the front yard area and not less than four feet in height within the said side and rear yard area. In all cases, the visibility triangle and fence requirements of this code shall be applicable.

(6) Landscaping and irrigation: Landscaping and irrigation shall be provided in the manner set forth in §§ 154-445 through 154-451 of this chapter except that when required to comply with development standards following the loss of a nonconforming status or change of use a landowner or tenant shall not be required to reduce the parking area by more than 10% or reduce the parking area to a size which would not satisfy the minimum parking requirements for any lawful use of such lot, parcel, or land.

(D) *Vehicular access required.*

(1) Each required off-street parking space shall open directly upon an aisle of such width and design as to provide safe and efficient means of vehicular access to said space. Each parking lot shall be designed with appropriate means of vehicular access to an improved public or private street on which the lot or building site has frontage. If a secondary means of permanent vehicular access is provided, such as a paved alley or service road, such means of access shall be improved to city standards.

(3) Along any highway, major or minor arterial street, each building or group of buildings, together with its parking or service areas, shall be physically separated by a vertical curb, maintained planting strip, or other suitable barrier to channel and direct vehicular ingress and egress, except for necessary accessways.

### **§ 154-437 General Development Standards.**

(I) The owner of any personal wireless communication facility must provide the city with a copy of the notice to the FCC of intent to cease operations. Any personal wireless communication facilities and all associated materials not in use for one year must be removed by the owner and the site must be returned to a state compatible with the surrounding vegetation and/or structure at the owners expense.

(M) Legal nonconforming personal wireless communications facilities established prior to §§ 154- 435 through 154-444 may continue operation. However, no expansion of the use is allowed until those facilities are brought into compliance with this section. Any personal wireless communication facilities and all associated materials not in use for one year must be removed by the owner and the site must be returned to a state compatible with the surrounding vegetation and/or structure at the owners expense. A change in the principal use of the parcel will require the personal wireless communications facility to be brought into compliance with this section.

### **§ 154-443 Personal Wireless Communication Facilities on Public Rights-of-Way and Public Buildings.**

(A) In addition to the above standards for wall-mounted, roof-mounted, and concealed/disguised antennas, these personal wireless communications facilities have the following additional standards:

(6) All base stations must comply with the minimum setbacks for the zoning district. If an antenna is located on the right-of-way, any associated base station location must either receive the approval of the City Engineer stating that the base station will not constitute a hazard or comply with the setback of the zoning district and be placed on private property. All base stations must meet the screening and landscaping requirements.

## **Landscaping**

### **§ 154-445 Purpose.**

(A) The purpose of the landscaping regulations is to provide minimum standards for the selection, location, and maintenance of plant materials in order to maximize the benefit of such landscaping for both the community and the individual property owner. It is intended that the provision of ground cover, shrubbery, and trees shall be in accordance with this subchapter so as to:

- (1) Provide soil stabilization to control erosion;
- (2) Provide shade to reduce the ground temperature and building heat gain;
- (3) Provide ground cover to protect the ambient air quality by reducing dust and loose soil;
- (4) Provide plant material to visually buffer building and parking lot masses;
- (5) Provide planted screening between residential districts and adjacent uses;
- (6) Provide landscape plans to improve surveillance and visibility for the promotion of safety and CPTED (Crime Prevention Through Environmental Design) strategies;
- (7) Provide shrubs, vines, and planted areas adjacent to walls to reduce the potential for graffiti through anti-graffiti strategies;
- (8) Provide attractive landscaping to improve community aesthetics for the promotion of tourism and economic development; and
- (9) Provide compliance with the landscaping regulations over time as vacancies and changes occur with nonconforming land, buildings, and uses.

(B) When provided in accordance with these regulations, landscaping materials are intended to contribute to the community-wide goals of beautification, energy conservation, and the conservation of the community's water resources through the use of drought tolerant plants, efficient irrigation, reduced turf areas, and proper maintenance, and the fundamentals of xeriscape landscaping.

(C) The regulations as set forth within this subchapter shall be in accordance with Chapter 192 of this code and are intended to be integrated with that chapter so as to provide adequate on-site storm water detention/retention areas which are visually attractive and which provide for the multiple use of storm water detention/retention areas wherever possible.

### **§ 154-446 Applicability.**

Required landscaping shall apply as follows:

(A) *Applicability in zoning districts.* The regulations as set forth in this subchapter shall apply to all lots in all zoning districts. Lots used exclusively for one-family dwelling units, when not otherwise required as a part of an approval process to provide landscaping, shall be exempt from the requirements of this subchapter.

(B) *Change of use.*

(1) When the use of a lot, parcel, land, building, or structure changes, or after two years of vacancy, or upon expansion of any building, parcel, structure, or use by an area or value of 50% or more, the development standards as set forth in this subchapter shall apply.

(2) If the gross floor area of an existing building is increased by 50% or more cumulative after the effective date of this amendment, the requirements of this subchapter shall apply to the entire lot upon which the building is located.

(3) If the land use of 50% or more of the gross floor area on a lot is changed cumulative after the effective date of this amendment, the requirements of this subchapter shall apply to the entire lot upon which the building is located.

(C) *City of Yuma landscaping guidelines.* The City of Yuma landscaping guidelines shall be used in conjunction with this subchapter to provide guidance for both the commercial landscaping firm and the private property owner.

(D) *Conflicts with other regulations.*

(1) Where portions of this subchapter are in conflict with other portions of the zoning code, the more restrictive regulation shall apply.

(2) Where portions of this subchapter are in conflict with federal or state-mandated requirements for airports (FAA and/or military requirements for planting height limits and plant debris), or for the public utility companies as defined in this subchapter, the Planning Director may waive portions of the landscaping regulations to the extent of the conflict.

(E) *Parking lots.* The requirements for landscaping and irrigation within a parking lot (four or more spaces) as found in §§ 154-395 through 154-403 of this chapter shall be provided in the manner set forth in this subchapter except that when required to comply with development standards following the loss of a nonconforming status or change of use a landowner or tenant shall not be required to reduce the parking area by more than 10% or reduce the parking area to a size which would not satisfy the minimum parking requirements for any lawful use of such lot, parcel, or land..

(F) *Uses prohibited; alleys.*

(1) Parking, loading activities, product display, and sales shall not be permitted in any required landscaped area.

(G) *De minimus standards.* In cases where site development occupies five percent or less net site area, the landscape development standards of this subchapter shall apply only to the developed area of the site.

#### **§ 154-447 General Requirements.**

(A) *Building permit application.*

(1) One copy of the landscaping plan shall be submitted to the Department of Community Development at the time of building permit application or zoning clearance (if applicable pursuant to this subchapter). This plan shall be on file in the Development Services Division for 90 days after the certificate of occupancy is issued and with the Planning and Neighborhood Services Division thereafter.

(2) All landscaped areas maintained by the city shall be designed and installed to the approval of the City Parks and Recreation Department and Public Works Department. All irrigation systems shall be subject to the Uniform Building Code requirements of the city and shall be installed only as approved by permits issued by the City Development Services Division.

(B) *Encroachment permits required.* Those projects which include use of the public right-of-way for landscaping shall include a request for an encroachment permit with an additional three copies of the landscaping plan following building permit approval. If approved, the encroachment permit shall be issued by the City Engineer concurrently with building permit issuance by the Development Services Division.

(C) *“Assurance of installation”.* Landscaping and irrigation systems shall be installed as approved on the submitted plans prior to issuance of a certificate of occupancy. An “Assurance of installation” in a form approved by the city and executed by the lot owner and the financial institution for an amount sufficient to guarantee the installation of the approved landscaping plans within six months of occupancy shall be accepted by the Planning Director in lieu of immediate installation of the landscaping.

(D) *Maintenance required.* Property owners are responsible for the perpetual maintenance of all landscaped areas on their lot and adjoining parkways. The owners of lots which do not have properly maintained landscaped areas will be subject to penalties as set forth in this chapter.

## **§ 154-448 Development Standards.**

(A) *Numbers and coverage of plant materials; irrigation.*

(1) All landscaped areas shall be composed of a combination of plant materials and nonvegetative ground cover designed to accomplish the goals stated in the purpose of this subchapter and to the minimum standards as set forth below.

(2) All landscaped areas shall include a permanent, water efficient, underground, irrigation system controlled by automatic valves. Ground cover may be a combination of vegetative and nonvegetative material.

(3) Landscaped areas may also be used for storm water detention/retention basins, provided that no graded slope is located closer than four feet to any public or private sidewalk and that no graded area exceeds a 4:1 slope within any street parkway or setback. The total amount of required landscaping shall be computed for each component area as follows (except as otherwise approved):

(a) Street parkways and setbacks (including reverse frontage backup-subdivision landscaping):

1. Trees:

a. Minimum number: 1 per 500 sq. ft.

b. Minimum size: 50% 15 gallon; 50% 24 inch box.

2. Shrubs:

a. Minimum number: 1 per 250 sq. ft., and 1 per 8 feet (on center of solid perimeter screening or subdivision wall).

b. Minimum size: 50% 5 gallon; 50% 1 gallon.

3. Ground cover:

a. Minimum area: 50% vegetative; 50% nonvegetative. 50% vegetative may be reduced to 30% vegetative provided the 30% vegetative consists of turf.

b. Minimum size: 1 gallon (36 inches on center), or flats (12 inches on center).

(b) Required screening setbacks between districts:

1. Trees:

a. Minimum number: 1 per 25 feet (on center) of solid perimeter screening or subdivision wall.

b. Minimum size: 24 inch box (nondeciduous).

2. Shrubs:

a. Minimum number: 1 per 8 feet (on center) of solid perimeter screening or subdivision wall.

b. Minimum size: 5 gallon.

3. Ground cover. Minimum area: 100% nonvegetative.

4. Required screening setbacks between residential districts and adjacent uses shall provide sufficient screening so that the residential uses are effectively shielded from any adverse effects of the adjacent uses. The screening shall be composed of plant material as noted above and a six-foot high solid masonry wall.

5. A screen row of 15 gallon trees (nondeciduous), planted 25 feet on center (or major fraction thereof), shall be provided along any rear lot line for a lot on which a residential structure greater than one-story in height is located with a rear lot line adjacent to any other residential structure.

(c) Publicly or privately-owned joint use detention/retention basin/park:

1. Trees:

a. Minimum number: 1 per 1,500 square feet.

b. Minimum size: 24 inch box.

2. Shrubs:

a. Minimum number: 1 per 8 feet (on center) of solid perimeter screening or subdivision wall; and 1 per 250 square feet of nonvegetative ground cover areas.

b. Minimum size: 5 gallon on walls; 50% 5 gallon (other than walls); 50% 1 gallon (other than walls).

3. Ground cover:

a. Minimum area: 100% of areas containing less than 4:1 slope in turf, but not less than 20% of the gross site area; 100% of remaining area in nonvegetative ground cover.

(d) Publicly or private-owned detention/retention basin (not used as a part of a required street setback or as a park):

1. Trees:

a. Minimum number: 1 per 2,000 square feet (trees may be deleted from minor basins containing less than 4,000 square feet in area or less than 18 inches in depth and from basins in remote fenced locations with no public access).

b. Minimum size: 15 gallon.

2. Shrubs:

a. Minimum number: 1 per 8 feet (on center) of solid perimeter screening or subdivision wall (shrubs may be deleted from basins in remote fenced locations with no public access).

b. Minimum size: 5 gallons.

3. Ground cover. Minimum area: 100% nonvegetative.

(e) Landscape within parking areas (interior and peripheral):

1. Trees:

a. Minimum number: 1 per 15 parking spaces (or major fraction thereof), evenly distributed in tree well planters of a minimum 25 square foot (25 s.f.) area.

b. Minimum size: 24 inch box canopy tree.

2. Shrubs:

a. Minimum number: 1 per 8 feet (on center) of solid perimeter screening or subdivision wall.

b. Minimum size: 5 gallons.

3. Ground cover:

a. Minimum area: 20% vegetative; 80% nonvegetative.

b. Minimum size: 1 gallon (36 inches on center), or flats (12 inches on center).

(f) All other open areas (not used for building, paving, sidewalks, or future building expansion):

1. Trees:

a. Minimum number: 1 per 1,500 square feet.

b. Minimum size: 15 gallons.

2. Shrubs:

a. Minimum number: 1 per 750 square feet.

b. Minimum size: 5 gallons.

3. Ground cover:

a. Minimum area: 20% vegetative, 80% nonvegetative.

b. Minimum size: 1 gallon (36 inches on center), or flats (12 inches on center).

(g) Future building pads in development projects within the Transitional (TR) Limited Commercial (B-1), and General Commercial (B-2) Districts. Ground cover: minimum area, 100% vegetative, nonvegetative, or combination thereof.

(B) *Plant specifications.* The minimum size, number, type, and area for all required plant material shall be as noted above. All trees which are listed in the Arizona Nursery Association Guide and whose size is specified by caliper size shall be provided according to that publication's specifications. Trees may be clustered, however no tree should be located within 20 feet of another tree. All trees shall be staked with two lodgpole stakes seven feet in height above grade with wire ties protected with rubber fittings. All shrubs (vines) planted along solid walls shall be staked to promote a vertical growth pattern. Staking details shall be shown on the plans submitted for approval.

(C) *Calculation of areas and distribution of plant materials.* The calculation and distribution of landscaping shall be done in the following manner:

(1) The combined area of the parkways and setbacks on each street frontage shall be calculated as one unit. The area to be landscaped shall be calculated as follows:

$$\text{Parkway} + \text{Setback} - \text{Driveways and Sidewalks} = \text{Landscaped Area Per Frontage}$$

(2) The plant materials may be distributed anywhere within the landscaped area for each street setback frontage but each parkway shall contain no less than ten percent of the landscape material which would have been normally required in the parkway. The calculation of setback areas for corner lots may separate adjoining setbacks on adjacent streets on an equal basis.

(3) The calculation of plant material for retention basins shall be made separately unless the retention basin is within the setback.

(D) *Lots which have an area greater than two acres.* Lots which have an area greater than two acres shall provide a total landscaped area of 15% of the lot size. If the area of the required landscaping (including setbacks, parkways, and retention basins) does not exceed 15% of the gross lot area, additional landscaping shall be placed on the lot to meet the minimum landscaped area of 15%. The total amount of trees, shrubs, and ground cover for these landscaped areas shall be computed at the ratio noted above and shall be maintained in accordance with this subchapter. All other standards contained in this subchapter shall be maintained.

*Industrial zoned (L-I and L-H) lots which have an area greater than two acres.* Industrial zoned properties (L-I and H-I) over two acres in size may elect to submit landscaping plans to the Landscape Review Board (per [§ 154-450](#)) in lieu of meeting the requirement to provide a total landscaped area of 15% of the lot size.

The Review Board is authorized to approve landscaping plans that provide less than 15% of the lot size for industrial zoned property provided such plans meet the spirit and intent of the landscaping code.

Such landscaping proposals submitted to the Review Board for this purpose shall focus landscaping requirements on the property's street frontages, parkways, setback areas and retention basins within those setback areas, parking areas and the principal structure.

(E) *Retention basins; fences and grading.*

(1) Retention basins shall be designed, graded, and landscaped so as to aesthetically enhance the natural configuration of the area. Plantings located in the basin shall be adaptable to periods of submersion. Retention basins shall be shaped consistent with good landscape design standards as well as meeting storm water retention requirements ([Ch. 192](#)). Retention basins shall be designed in order to facilitate multiple use of the basin whenever possible.

(2) Graded slopes shall be designed to provide gentle, undulating contours (contour grading) and shall maintain an average 5:1 slope, not to exceed a slope of 4:1 when used as a joint-use park facility. In all other cases, where a basin is not used as a joint use park facility, graded slopes shall maintain an average 4:1 slope, not to exceed a slope of 3:1.

(3) Gunite, or concrete ground cover within storm water detention/retention basins shall be prohibited. In all cases, the design bottom elevation of the storm water basin shall be a minimum of one-foot above the highest recorded ground water level.

(4) Six-foot-high wrought iron fences (designed to discourage climbing), or equivalent as approved by the Zoning Administrator, shall be installed around storm water retention basins which have a designed water depth greater than three and one-half (3.5) feet, and shall allow the basin to be visible at all times. Openings in the fence shall not allow the passage of a six-inch sphere. Any pedestrian gates shall be of a self-closing and self-latching type. In all cases, the requirements for the visibility triangle shall be applicable.

(F) *Visibility triangles.* The only landscaping materials permitted in any visibility triangle shall be ground cover (less than 18 inches in height). The area included in the visibility triangle shall be excluded from the tree and shrub count for that parkway or setback.

(G) *Arizona Department of Transportation (ADOT) right-of-way.* Parkways within the Arizona Department of Transportation (ADOT) rights-of-way shall be landscaped with trees, shrubs, and ground cover in conformance with the Arizona Department of Transportation regulations.

(H) *Public utilities and fire facilities.*

(1) A minimum three-foot-wide clear space shall be maintained around the circumference of fire hydrants and Fire Department Connections (FDC). Ground cover materials used within this three-foot wide area shall be approved by the City of Yuma Fire Marshal.

(2) Trees shall not be planted directly under or over utility lines nor shall they be planted within utility easements. Trees which have a mature height of 25 feet or greater shall not be planted near overhead utility lines.

(3) A ten-foot clearance shall be maintained in front of the facilities and appurtenances of any public utility and a three-foot clear space shall be maintained around the circumference of any such facility or appurtenance. Ground cover materials used within this area shall be approved by the appropriate public utility.

(I) *Prohibited plants.*

(1) The use of the following plant types is prohibited due to their pollen seeds which aggravate allergies and other health problems:

- (a) Common Bermuda grass (*Cynodon dactylon*).
- (b) Mulberry, female (*Morus*).
- (c) Olive (*Olea europaea*) except the male or fruitless varieties.

(J) *Protection of planted areas.* Turf areas shall be separated from other planting areas by a minimum four inch by four inch concrete mow strip. Planted areas shall be separated from any adjacent paved or unpaved vehicular parking or drive area by concrete curbing measuring at least six inches by six inches above grade. Any plant material with a mature height of 18 inches or greater shall be setback at least two feet from any adjacent parking, aisle, or driveway.

### **§ 154-450 VARIANCES.**

(B) Landscape plans which have been submitted, but fail to meet with the letter of this subchapter, may be submitted to the Landscape Review Board. The Landscape Review Board shall be composed of the Planning Director, Senior Current Planner, and the Parks Superintendent. The Landscape Review Board may not reduce the amount of plant materials required, but may review such issues as the location and type of plant materials.

(C) The Landscape Review Committee may also review the specific requirements for nonconforming projects which, due to their existing development patterns, cannot meet all aspects of the current landscape development standards. In such cases the Landscape Review Board shall be empowered to determine a level of landscape development within the spirit and intent of the current landscape regulations, recognizing existing nonconforming development of the site.

### **§ 154-463 Application.**

Applications for a PUD shall be submitted and reviewed in accordance with the following procedure:

(B) *Preliminary plan.* The following minimum information is required in addition to requirements of §§ 153-30 through 153-34 of the subdivision regulations:

(8) A schematic landscape plan indicating the treatment of private and common open spaces.



City of Yuma  
Department of Public Works

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Yuma, Arizona

# STREET SWEEPING PLAN



# OVERVIEW

Street sweeping is one of the most visible aspects for the citizens and the traveling public. Clean streets and gutters not only give the City of Yuma an overall clean appearance, but aids in helping reduce traffic accidents, as well as air pollution caused by fine dust particles and sand from wind storms. Keeping debris off the street and out of the gutters prevents the debris from entering the storm water system. This should prevent the introduction of key pollutants to surface water. Along with all street maintenance functions, street sweeping is an important part of the Public Works Department.

There are five budgeted full-time team members in the street sweeping operation. The operation is funded through Highway User Revenue Fund (HURF). This funding is to be used for street and highway purposes. The team is responsible for sweeping over 292 miles, or 584 curb miles and routine service maintenance that is done on a daily basis.

Street sweeping is an intense maintenance schedule. It demands a list of priorities, from commercial to residential. The analysis of street sweeping contained in this plan is based on the most cost effective and efficient delivery of service. The plan addresses other factors in which the Street Division deems necessary, such as the level of service, which would be acceptable for year round sweeping.



# Street Sweeping Team

The Streets Division has five budgeted full-time members in the street sweeping program and five sweepers. All five sweepers are mechanical broom type, which is the best suitable for the City's, desert area.

Primary street sweeping team are Heavy Equipment operators:

	<u>Radio</u>	
Bertin Lewis	53	Crew Leader
Ed Diaz	517	Heavy Equipment Operator
George Drake	518	Heavy Equipment Operator
Joe Rojas	512	Heavy Equipment Operator
Bobby Zermeno	520	Heavy Equipment Operator
Pete Pottorff	527	Heavy Equipment Operator

## OBJECTIVES

One of the primary objectives of the City of Yuma, Department of Public Works, Street Division is to provide an operational plan for the safe, efficient and cost effective approach towards street sweeping.

The street Sweeping plan was developed to facilitate this objective as it relates to the vehicle traffic and citizens throughout the city. This objective provides for dust control, as well as, an attractive city. In addition there is a cleaner flowing drainage system.

The procedures presented in this plan serve to outline the manner in which the Sweeping Team performs sweeping on a daily basis. This objective is accomplished using preventative maintenance schedules.

**SECTION I**  
*POLICIES AND ORDINANCES*

- SWEEPING POLICY
- PARKING AND DISABLED VEHICLE POLICY
- PARKING ORDINANCE

# POLICY

It is the policy of the Sweeping Team to have a plan in writing for sweeping every street infrastructure of the City of Yuma.

The street sweeping policy shall be:

Priority I Main arterials and selected collectors are swept a minimum of once a week (46-52 times per year).

Priority II Residential streets are swept a minimum of five times per year (every 2½ months).

Priority III Weekly, the teams sweep streets surrounding schools, churches and CITY parks.

Priority IV The Public Works shop and parking lots will be swept bi-monthly (per works order requested).

Priority V Street sweeping debris recycling shall be performed monthly on a rotating basis between the sweeper team unless a sweeper is in the shop for scheduled maintenance or mechanical failure. The operator shall screen the debris during the down time.

\* Note: In the event the operator's machine is down due to mechanical failure and the spare sweeper is occupied, that operator shall report to his Street maintenance Crew Leader for further duties.

Special A special is anytime the sweeper stops routine sweeping to take care of an out of division request. A one-hour minimum charge is added to any **special** and shall reflect current divisional rates.

## Conditions

- All team members have two-way radios in their sweepers so they can be reached at all times for emergencies and special requests.
- Weather conditions can have a major impact on the sweeping plan and affect our Divisions priorities. Therefore, all sweeping and screening listed above shall be the minimum; additional sweeping and screening may be required.
- It is not the responsibility of the sweeper team to clean up after contractors, landscapers, etc. During all phases of construction it is the CITY inspectors' responsibility to ensure that the contractor keeps streets and gutters clean and safe. If the request of a sweeper is required then it shall be considered a special.

# PARKING AND DISABLED VEHICLE POLICY

The Street Division Sweeping Team will report cars, trucks, trailers and boats left parked or abandoned in the public street for longer than 48 hours\*. All calls shall be reported to City of Yuma Code Enforcers and or the Yuma Police Department.

It is not our intent to anger the public by notifying the proper personnel of these vehicles, but rather getting these vehicles moved off the street for maintenance reasons. At times, the sweeping team has found many vehicles, campers, etc. parked or abandoned for such long periods of time that allow dirt and debris built up causing storm water to back into the street.

**\*Reference Yuma City Code chapter 212, 21-29.**

## SECTION II

# *OPERATIONS*

1. ID Routes
2. Hours of Operations
3. Equipment Utilized
4. Commercial Routes
5. Residential Routes
6. Street Sweeping Request
7. Special Events
8. Storm Street Sweeping
9. Screening
10. Maintenance

## ID ROUTES

Route I: Ed Diaz	Ave B to Ave 3E 24 <sup>th</sup> St to Airport Lp
Route II: Joe Rojas	Ave 9E to Ave B County 14 <sup>th</sup> St to 24th St
Route III: Bobby Zermeno	12 <sup>th</sup> St to Water Street Pacific Ave to Ave B
Route IV: George Drake	Ave B to Ave D Central Canal to 1 <sup>st</sup> St
Route V: Pete Pottorff	Ave 3E to Ave 10E Hwy 95 to 40 <sup>th</sup> St

## HOURS OF OPERATIONS

4am to 12:30pm

4:00 am to 8:00 am:	
Pretrip/Commercial routes	
8:00 am to 8:30 am:	Vehicle
inspection	
8:30 am to 9:00 am:	Lunch
9:00 am to 12:00 pm:	Residential
routes	
12:00 pm to 12:30 pm:	Vehicle
inspection	

## EQUIPMENT UTILIZATION

The City of Yuma uses six (6) mechanical high dump sweepers and one (1) Read CV 40 D Screen-All. A combination of quality sweeper operators and quality equipment enables us to perform the job of street sweeping very efficient and cost effective. The purpose for using high dump sweepers is to save road time driving back and forth to a dumpsite. With high dump the sweepers can utilize chase dump trucks when needed. Allowing more time spent for street sweepers to concentrate on cleaning and less time driving to dump site.

The sixth sweeper is a spare, utilized when one of the other five are in the shop for service or repair. It will also be used by properly trained personnel for street maintenance activities such as, fog seal, slurry seal, etc. This will allow the sweeper operator to spend more time on their routes.

## COMMERCIAL ROUTES

The street division objective is to sweep main arterial and selected collectors 46-52 times per year (four times a month). The downtown area is swept once a week. Commercial routes are determined by the judgment of the operator's knowledge of their routes and not strictly on road dimensions. The sweeper operators consider medium to high volume traffic on main arteries and selected collectors as commercial, which is swept weekly.

## RESIDENTIAL ROUTES

Residential routes are swept a minimum of five (5) times per year or approximately fifty (50) working days. The subdivisions on every route is identified and numbered. Each subdivision is maintained in a sequence order. See Map

## STREET SWEEPING REQUESTS

Street sweeper team members spend a portion of their time responding to special requests, such as work order requests, emergency spill clean-ups, water breaks, etc. All sweeping request shall be considered a special and reflect the current rate charges for equipment and man-hours.

## SPECIAL EVENTS

The City of Yuma Street Sweeping Team takes tremendous pride sweeping parade routes and side streets prior to and after parades. All five street sweepers working together make for the final non-official entry in the parade as the community gets to see the team in action. Three to four passes is needed to clean the streets free of debris. This includes pre-staged areas and parking lots.

## SCREENING

Our current operation is located east of the Black hill area. Sweeper debris is stockpiled in a fenced facility within the City of Yuma. It is there that the debris is screened from the dirt, and then hauled to the CITY's designated landfill. This operation includes the use of a front-end loader, the screener and a container. Approximately 1% of the street sweeping budget is dedicated to hauling and depositing of the debris to the landfill. The screening duties are on a rotating basis between the team members. It is the responsibility of the assigned operator to ensure completion of screening for the month. The sweepers utilize other operators in the event of a breakdown, the sweeper operator automatically screens.

	Ed Diaz:	August,
	December, and April	
	Bobby Zermeno:	September,
January		
	Joe Rojas:	October,
February, and June		
	George Drake:	November,
March		
	Pete Potorff	May, July

## STORM STREET SWEEPING

Prior to the forecast of rainstorms of 1 inch or more, the street sweepers will sweep selected main arterials and collector roadways. The intentions are to keep roadway debris from entering the storm water collection system. After storms team members concentrate on sweeping the commercial routes. The team members, weather permitting, start sweeping immediately. The street division's objective is to have all sand areas swept within two weeks after a major sand storm. This policy will cut down on air pollution (dust caused by sand) and also **may** prevent accidents caused from vehicles

sliding at intersections because of the high volume sand. After a sand storm, priority sweeping is performed on main arterial and collectors first, and around school areas second. The residential routes will be sweep on their regular routine.

## MAINTENANCE

Daily sweeper maintenance is preferred after commercial routes and prior to sweeping residential areas to ensure that the equipment is operating at its optimum level. The equipment operators shall maintain a minimum fuel and water level at ½ a tank.

### Scheduled maintenance

Pretrip	Every morning of operation
Right Gutter Brooms	Replace every other wee
Left gutter brooms	Replace every third week
Main pick broom	Replace every month
Deflector seal	Replace when needed
Drape	Replace when needed
Clean hopper	Weekly
Clean elevator	Wash weekly

### Daily maintenance

Check elevator  
Drag seals are replace everyday or when necessary  
Clean/remove debris from broom and elevator  
AC filter- clean or replace  
Lube the drive chains  
Engine air filter precleaner is cleaned daily  
Adjustments to:  
The elevator and drive chain  
Main broom and drive chain  
Gutter brooms  
Deflector  
Grease fittings

Clean and wash machine  
Inspect vehicle  
Fuel tank

## Cross Training

It is recommended that all equipment operators are properly cross-trained. Cross training personnel will be dependent on current workload status and shall be scheduled by the supervisor. The assigned spare sweeper shall be 43401076.

Suggested amount of time: 1-week minimum  
2 weeks maximum

In the event that other trained operators utilize a sweeper, a short description of the time, date, operator name and or any useful remarks is necessary to maintain equipment operation.

## Recommendations

The following are suggested recommendations to the division's immediate supervisors:

1. When a sweeper machine is placed into the maintenance shop, a turnaround time is provided to the operator.
2. Alternate screening location is needed in the southeast section of the CITY.
3. Resume shop services and repairs during night shift.

City of Yuma		
	Initial Program <sup>1</sup>	2005
Number of Street Sweepers	6	
Type of Equipment	Freightliner/Broom Bear	
Financing	HURF funds	
Personnel	6 including Crew Leader	
Miles Swept	Avg. 17128 miles/year	
Frequency per calendar week (hours per week)	Avg. 142 sweeping Hrs./week	
Can you provide ADEQ with a copy of the ordinance or policy and procedure for street sweeping via e-mail or fax at <a href="mailto:martin.marvin@azdeq.gov">martin.marvin@azdeq.gov</a> or (602) 771-2366.		





# YUMA COUNTY BOARD OF SUPERVISORS

## ORDINANCE NO. 05 -01

**AN ORDINANCE OF THE COUNTY OF YUMA REQUIRING A PROJECT INFORMATION SIGN FOR CONSTRUCTION ACTIVITIES**

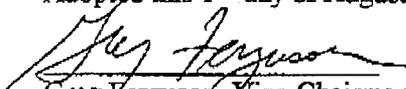
**WHEREAS**, Yuma County is interested in cooperating with the Arizona Department of Environmental Quality to implement recommendations in the Natural Events Action Plan for the Yuma PM10 Non-Attainment Area.

**WHEREAS**, The Natural Events Action Plan for the Yuma PM10 Non-Attainment Area was developed by the Arizona Department of Environmental Quality, and recommends that Yuma County consider implementing a Project Information Sign for construction activities.

**WHEREAS**, ARS § 11-251.05 states that the Board of Supervisors may adopt ordinances necessary or proper to carry out the duties, responsibilities and functions of the county.

**NOW, THEREFORE, BE IT ORDAINED** by the Yuma County Board of Supervisors that this ordinance is adopted to provide regulations requiring the implementation of a Project Information Sign for construction activities throughout the Non-Attainment Area of Yuma County, to be effective at 12:01 am on September 12, 2005.

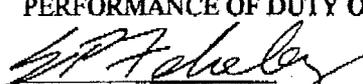
Adopted this 1<sup>st</sup> day of August, 2005

  
 Greg Ferguson, Vice-Chairman for  
 Kathryn "Casey" Prochaska, Chairman  
 Board of Supervisors  
 Yuma County, State of Arizona



  
 Sue Stallworth  
 Clerk of the Board

APPROVED AS TO FORM AND DETERMINED TO BE WITHIN THE SCOPE OF  
 PERFORMANCE OF DUTY OF THE YUMA COUNTY BOARD OF SUPERVISORS

  
 Edward P. Fehely  
 Deputy County Attorney

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**CHAPTER 1 GENERAL****§ 05-01-1001 INTRODUCTION**

The Natural Events Action Plan for the Yuma PM10 Non-Attainment Area was written by the Arizona Department of Environmental Quality with the assistance of citizen stakeholders from throughout the Yuma county area. Generation of dust from anthropogenic sources can cause a variety of air pollution problems. A portion of Yuma County has been designated by the federal government as a non-attainment area for dust due to the generation of particulate matter under 10 microns in size, or PM10. PM10 affects the safety, health and welfare of citizens of Yuma County and creates an adverse environmental effect. Construction activities contribute to particulate emissions, therefore one option under consideration is to require a project information sign for certain size construction projects.

**§ 05-01-1002 PURPOSE**

The purpose of this ordinance is to establish minimum requirements for implementation of a Project Information Sign for construction activities within the Yuma Non-Attainment Area.

## **CHAPTER 2            DEFINITIONS**

### **§ 05-01-2001            DEFINITIONS**

For the purpose of this ordinance, the following definitions are applicable:

**"BEGIN ACTUAL CONSTRUCTION"** means initiation of physical on-site construction activities on an emissions unit that are of a permanent nature. For purposes of title I, parts C and D and section 112 of the Clean Air Act, these activities include installation of building supports and foundations, laying of underground pipe work and construction of permanent storage structures. For purposes other than title I, parts C and D and section 112 of the Clean Air Act, these activities do not include installation of building supports and foundations, laying of underground pipe work and construction of permanent storage structures.

**"BUILDING PERMIT"** means an official document or certificate issued by the County of Yuma, which authorizes the performance of a specific construction work, grading, alteration of ground features to create certain improvements and structures.

**"CONSTRUCTION"** means any physical change in a source or change in a method of operation of a source including fabrication, erection, installation or demolition of a source that would result in a change in actual emissions.

**"EARTH-MOVING OPERATIONS"** are the use of any equipment for an activity where soil is being moved, uncovered.

**"FINAL STABILIZATION"** means that all soil disturbing activities at the site have been completed.

**"GRADING PERMIT"** is an official document or certificate issued by the Flood Control Engineer, authorizing grading activity as specified by approved plans and specifications.

**"PERSON"** includes any public or private corporation, company, partnership, firm, association or society of persons, the federal government and any of its departments or agencies, the state and any of its agencies, departments or political subdivisions, as well as a natural person.

**CHAPTER 3 STANDARDS****§ 05-01-3001 PROJECT INFORMATION SIGN REQUIREMENTS**

A. Any person that requires a building or grading permit of one acre or greater shall install and maintain a project information sign in accordance with the below requirements.

B. The sign shall be installed prior to beginning actual construction activities and initiating any type of earth-moving operations.

C. The sign shall be installed at a prominent location near the main entrance of the construction site. Traffic visibility shall be maintained by placing the sign back from the main ingress/egress location and at any applicable intersection for proper sight-triangle clearances.

D. The sign may be removed once:

1. The final for the building permit is approved by the Chief Building Official, or,
2. Final stabilization has been achieved on all portions of the site for which the person is responsible and is approved by the County Environmental Programs Section.

E. The following information shall be displayed on the project information sign:

Project Size	1.01-9.99 Acres	Over 10 Acres
Sign Size	36"H x 48" W	48"H x 96" W
Developer's Name	3"	4"
Project Name	3"	4"
Company Phone Number ###-####	3"	4"
IF YOU HAVE DUST COMPLAINTS	2.25"	3"
Please call Yuma County Dust Control Hotline 928-217-DUST (3878)		

F. The project information sign text height shall be at a minimum as shown on the template above, and must contrast with lettering, typically black text with white background.

G. The lower edge of the sign board must be a minimum of three (3) feet and a maximum of five (5) feet above grade.

**CHAPTER 4 EXEMPTIONS****§05-01-4001 GENERAL EXEMPTIONS**

The following are exempt from the requirements of this ordinance:

A. Normal farm agricultural practices under Arizona Revised Statutes (A.R.S.) §49-457 and §49-504.4

B. Any action required or authorized to implement emergency operations that are officially declared by Yuma County to ensure the public health and safety.

**CHAPTER 5        COMPLIANCE****§05-01-5001        COMPLIANCE**

Failure to comply with any of the provisions specified under this ordinance shall constitute a violation. In the event that any person holding a building or grading permit pursuant to this ordinance violates the terms of the ordinance the County may suspend or revoke the building permit.

**DEVELOPER NAME**

**PROJECT NAME**

**COMPANY PHONE NUMBER ###-###-####**

**IF YOU HAVE DUST COMPLAINTS PLEASE CALL  
YUMA COUNTY DUST CONTROL HOTLINE**

**928-217-DUST (3878)**



Developer LOGO

Note: Logo shown is optional. The project information sign may also include information regarding the location or availability of the Storm Water Pollution Prevention Plan, if required in accordance ADEQ requirements.

P:\Ordinances\Ordinances\Sign Ordinance\Yuma County Sign Ordinance final revision (1 Aug 2005).doc



**Yuma County, Arizona**  
**DEPARTMENT OF DEVELOPMENT SERVICES**

2703 S. Avenue B • Yuma, Arizona 85364

Harold Aldrich  
 Director  
 (928) 329-2300  
 FAX: (928) 726-5626

71977

April 22, 2003

Mark Lewandowski, Environmental Rules Specialist  
 Air Quality Planning Section  
 Arizona Department of Environmental Quality  
 1110 West Washington Street  
 Phoenix, Arizona 85007

Re: Yuma County Air Non Attainment Plan

Dear Mr. Lewandowski,

In accordance with our discussion on April 14, the requested information is as follows:

**Parking Lot Improvements:** The requirement to pave a parking lot and interior roads for a Recreation Vehicle Park are contained in the Yuma County Zoning Ordinance. A copy of the ordinance was given to you at our meeting.

Both references below are from the Zoning Ordinance.

**Section 906.00--Parking Area Surfaces**

A. Parking areas that: Include lanes for drive-thru windows or that have more than twenty five required parking spaces shall be graded and surfaced with asphalt over ABC, or concrete, or Portland cement over consolidated subgrade driveways.

**610.09--Minimum Development Standards**

6. There shall be a minimum of two points of ingress and egress to the park in order to allow emergency access. All roadways within the park shall be a minimum of thirty-two feet in width and shall be built and continuously maintained in a dust free condition by application of an aggregate base course (ABC) covered by a penetration and chip seal coat sufficient to meet this requirement.

**Street sweeping annual cost:** Public Works provided that their total annual cost is approximately \$50,000/year to operate their street sweeper.

**Dust palliative annual cost:** Public Works estimates that it cost approximately \$3,600/year for a mile of roadway. This estimate includes labor, equipment and the dust palliative product applied twice a year.

Mark Lewandowski, ADEQ  
Page 2 of 2

**Site development:** The Building and Safety Division prepared the attached Amendments to the Comprehensive Building Codes, this was adopted by the Yuma County Board of Supervisors on August 17, 1998. Chapter 33 of the 1997 Uniform Building Code was amended to add section 3309.11, **Dust Control**. See page 8 of 8 of the attached document.

If you have any other questions or need additional information, do not hesitate to contact me.

Sincerely,



Roger A. Patterson, P.E.  
County Engineer

Encl Yuma County Amendments to the Comprehensive Building Codes with Yuma County resolution no. 98-65 adopting the Amendment

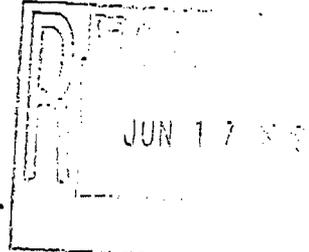
Cc: Harold Aldrich, Director w/encl.

**Yuma County**  
**Yuma, Arizona**

OFFICE OF  
THE BOARD OF SUPERVISORS  
198 Main Street  
Yuma, Arizona 85364



LUCY SHIPP, DISTRICT 2  
KATHRYN "CASEY" PROCHASKA, DISTRICT 3  
CLYDE CUMING, DISTRICT 4  
JIM BUSTER, DISTRICT 5  
WALLY HILL, COUNTY ADMINISTRATOR



**RESOLUTION NO. 98-~~66~~ 65**

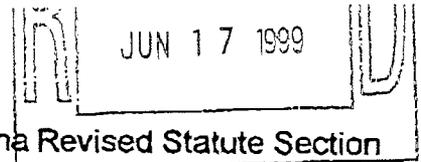
A RESOLUTION OF THE YUMA COUNTY BOARD OF SUPERVISORS, YUMA, ARIZONA, FOR THE ISSUANCE OF BUILDING PERMITS PURSUANT TO ARIZONA REVISED STATUTES SECTION §11-861 WITH THE REQUIREMENTS OF ARIZONA REVISED STATUTE SECTION § 41-1492 AND SENATE BILL 1127 SECTION 7 INCORPORATED; REPEALING YUMA COUNTY RESOLUTION {BUILDING CODES UNDER A.R.S. § 11-861}, APPROVED JANUARY 8, 1975, DKT. 840, PG. 460, IN THE OFFICE OF THE YUMA COUNTY RECORDER; REPEALING YUMA COUNTY RESOLUTION {ADOPTING BUILDING CODE § 11-861} APPROVED SEPTEMBER 18, 1978, DKT. 1059, PG. 187, IN THE OFFICE OF THE YUMA COUNTY RECORDER; REPEALING YUMA COUNTY RESOLUTION {ADOPTING 1979 UNIFORM PLUMBING CODE, 1979 UNIFORM MECHANICAL CODE, 1981 NATIONAL ELECTRICAL CODE, AND FEE SCHEDULE} APPROVED AUGUST 3, 1981; REPEALING THE UPDATE OF THE 1985 BUILDING CODE AND ITS FEE SCHEDULE AND JULY-AUGUST 1985 EDITION OF BUILDING VALUATION DATA FROM BUILDING STANDARDS MAGAZINE PUBLISHED BY ICBO, APPROVED OCTOBER 21, 1985.

WHEREAS, Arizona Revised Statute section §11-861 provides that; "in any county which has adopted zoning pursuant to this chapter, the Board of Supervisors may adopt and enforce, for the unincorporated areas of the county so zoned, a building code and other related codes to regulate the quality, type of material and workmanship of all aspects of construction of building or structures", and

WHEREAS, the Arizona Revised Statutes section §41-1492.03 requires Counties to incorporate the Arizonans with Disabilities Act into their building codes, and

WHEREAS, the Yuma County Planning and Zoning Commission after appropriate and proper advertisement and notice, has held a public hearing and recommends the adoption of:

- A. The 1997 Uniform Building Code, Volume #1, #2 and #3, including appendix chapter three, Division I, chapter three Division II, chapter three Division IV, chapter four Division I, chapter four Division II, chapter twelve Division II, chapter fifteen, chapter twenty one, chapter twenty nine, chapter thirty one Division II, chapter thirty one Division III and chapter thirty three



and deletion of chapter 11 and replace with Arizona Revised Statute Section §41-1492 et seq, Arizonans With Disabilities Act and City of Yuma Ordinance # 098-24.

B. The 1996 National Electric Code including the administrative provisions, appendix chapters A, B, C, and City of Yuma Ordinance # 098-25.

C. The 1996 International Mechanical Code including appendix chapter A, and City of Yuma Ordinance #098-26.

D. The Arizona State Plumbing Code as set forth in Senate Bill 1127 section 7.

Any reference to the City disciplines in the above listed city ordinances shall denote the following for Yuma County:

City Ordinances  
Yuma City Council (City Council)

County Codes  
Yuma County Board of Supervisors

City Clerk

Clerk of the Board

Fire Prevention Bureau of the  
City of Yuma Fire Department

Rural Metro Fire Department

Legal Council

Yuma County Attorney's Office

Class I Misdemeanor, and shall  
be punished as provided in  
section 1-10 of the city code

Class 2 Misdemeanor, and

WHEREAS, these codes shall be referenced as The Yuma County Comprehensive Building Safety Code of which three copies are on file in the office of the Clerk of the Board, are hereby declared to be public records, and said copies are ordered to remain on file with the Clerk of the Board, and

WHEREAS, Yuma County has a separate ordinance establishing fees for services in the Department of Development Services, fees mentioned in the referenced codes or in the City disciplines of this resolution shall not apply, and

WHEREAS, the Yuma County Board of Supervisors directed the Department of Development Services to prepare and advertise for the adoption of the Yuma County Comprehensive Building Safety Code, and

WHEREAS, the Yuma County Board of Supervisors after appropriate and proper advertisement and notice, held a public hearing for the adoption of the Yuma County Comprehensive Building Safety Code, and

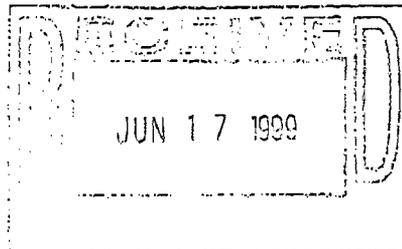
30793

WHEREAS, it is the intent of the Yuma County Board of Supervisors to make its codes consistent with the City of Yuma, and

WHEREAS, any person or corporation who shall violate any provision of the code adopted by this resolution shall be guilty of a Class 2 Misdemeanor, and each and every day during which the illegal erection, construction, reconstruction, alteration, maintenance or use continues is a separate offense.

THEREFORE, BE IT RESOLVED, that the Yuma County Board of Supervisors does this date adopt The Yuma County Comprehensive Building Safety Code as updated in this resolution and directs Yuma County Department of Development Services to enforce the requirements as set forth in Arizona Revised Statutes §11-861 and § 41-1492 et seq, and Senate Bill 1127 section 7, Amending Sections 9-801 and 11-861, Arizona Revised Statutes; Amending Title 9, Chapter 7, Article 1, Arizona Revised Statutes by adding Section 9-805; Amending Title 41, Chapter 3, Arizona Revised Statutes, by adding Article 11; Amending Title 41, Chapter 27, Article 2, Arizona Revised Statutes, by adding Section 41-3007.01; relating to the State Plumbing Code, as may be applicable to and enforceable by Yuma County, to become effective at 12:01 A.M. on November 1, 1998, and repeal Yuma County Resolution {Adopting Building Code § 11-861} approved September 18, 1978, Dkt. 1059, Pg 187, in the Office of the Yuma County Recorder, and repeal Yuma County Resolution {Adopting 1979 Uniform Plumbing Code, 1979 Uniform Mechanical Code, 1981 National Electrical Code, and Fee Schedule} Approved August 3, 1981, and repeal the Update of the 1985 Building Code and its Fee Schedule and July-August 1985 Edition of Building Valuation Data from Building Standards Magazine published by ICBO, approved October 21, 1985.

Approved and adopted this 17th day of August, 1998 by official action of the Yuma County Board of Supervisors taken at its regularly scheduled meeting.



Casey Prochaska  
Kathryn "Casey" Prochaska, Chairman  
Board of Supervisors  
Yuma County, State of Arizona

ATTEST:

Wally Hill  
Wally Hill, Clerk of the Board

APPROVED AS TO FORM AND DETERMINED AS WITHIN THE SCOPE OF PERFORMANCE OF DUTY OF THE BOARD OF SUPERVISORS

YUMA COUNTY ATTORNEY  
DAVID ELLSWORTH

30793

BY David S. Ellsworth

22999

Resolution by the Board of Supervisors amending existing Yuma County Standard Specifications,

WHEREAS, Roger A. Patterson, County Engineer; filed with the Board of Supervisors of Yuma County, The Public Works Standards for Yuma County-Volume II Specifications,

WHEREAS, such Public Works Standard Specifications consist of the following:

- General Conditions
- Earthwork
- Roadway and Related Work
- Traffic Control, Right-of-Way Development and Incidentals
- Structures and masonry
- Pipe Work
- Material Specifications

and,

WHEREAS, the Standard Specifications adopted in the Public Works Standards supersede and replace previous Yuma County Standards Specifications and,

WHEREAS, the County Engineer has requested the Board of Supervisors adopt these Public Works Standard Specifications and,

WHEREAS, there exists a need within Yuma County for orderly development and growth, and public safety and welfare and,

WHEREAS, it appears to the Board that the adoption of the said Public Works Standards Volume II, Specifications are necessary in the orderly development of Yuma County and in, providing public safety and welfare and,

NOW, THEREFORE BE IT RESOLVED that the herein above described Public Works Standards Volume II Specifications for Yuma County, are hereby adopted for use in Yuma County, and the County Engineer is hereby authorized and directed to amend the said Specifications from time to time as need may arise so that said Specifications will comply with current standardized and recognized civil engineering practice.

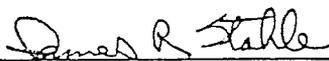
BE IT FURTHER RESOLVED, that the effective date of this resolution shall be the date approved.

Approved this 7th day of September, 1993.



Kathryn "Casey" Prochaska, Chairman  
Board of Supervisors  
Yuma County, State of Arizona

ATTEST:



James R. Stahle, Clerk  
Board of Supervisors

EXHIBIT C

**COPY**

State of Arizona  
County of Yuma 21603

I hereby certify that the within instrument  
was filed and recorded at the request of

1991 NOV - 8 A 8:10  
Yuma Co. Bd. of Supervisors

Docket 1767  
Page 388-389

Witness my hand and official seal the day  
and year aforesaid.

GLENYS E. SCHMITT

Heison Marler  
County Recorder  
Dubuque Recorder

N.F.

INDEXED

RESOLUTION NO. 91-52

Adopted by Board of Supervisors on November 4, 1991

Approved for Recordation by:

James R. Stahle

James R. Stahle,  
Clerk/County Administrator

RESOLUTION NO. 91-52

A RESOLUTION OF THE YUMA COUNTY BOARD OF SUPERVISORS ADOPTING THE DEPARTMENT OF ENVIRONMENTAL QUALITY 1991 PARTICULATE PLAN FOR PM<sub>10</sub>,, STATING THE BOARD'S INTENT TO IMPLEMENT CERTAIN MEASURES CONTAINED IN THAT PLAN.

WHEREAS, the Department of Environmental Quality has prepared a State Implementation Plan for Particulates.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF YUMA COUNTY as follows:

SECTION 1. That the Yuma County Board of Supervisors adopts the 1991 Particulate Plan for PM<sub>10</sub> attached herewith as Exhibit A.

SECTION 2. That Yuma County intends to implement the control measures set forth with the plan, subject to the County's funding ability.

SECTION 3. That annual progress reports will be provided to the Department of Environmental Quality.

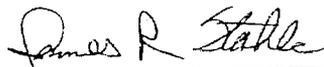
SECTION 4. That the Board of Supervisors will consider modifications to the control measures set forth herewith and additional strategies, as appropriate, during the continuing planning process.

PASSED AND ADOPTED by the Yuma County Board of Supervisors, Yuma, Arizona this 4th day of November, 1991.



DANNY L. BRYANT, Chairman

ATTEST:



JAMES R. STAHLER,  
Clerk/County Administrator

JRS/cpi  
res91-52



YUMA COUNTY RESOLUTION # 91-38  
RESOLUTION OF THE BOARD OF SUPERVISORS OF YUMA COUNTY,  
ARIZONA RELATING TO ESTABLISHING FEES FOR DISPOSAL OF REFUSE  
AND OTHER NON-HAZARDOUS MATERIALS AT YUMA COUNTY  
SOLID WASTE LANDFILL FACILITIES.

WHEREAS, the Board of supervisors desires to recover the cost of the operation of the Yuma County Landfill.

AND WHEREAS, ARS § 49-701 et seq currently gives the Board of Supervisors the authority to establish user fees to cover all or part of the cost of development, construction, operation, administration and financing of solid waste management activities.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Yuma County that the following regulations perraining to the collection of disposal fees be adopted:

Definitions:

A. BULK REFUSE means solid and semi-solid wastes, except human excreta, but including garbage, rubbish, ashes, household yard trimmings, manure and dead animals.

B. BULKY WASTE means large items of solid waste such as appliances, concrete, conduit, furniture, large auto parts, pipe, tanks, tires, trees, branches, stumps and other waste whose large size precludes or complicates their handling by normal collection, processing or disposal methods.

C. COMMERCIAL HAULER means anyone who hauls waste refuse other than their own household waste.

D. COMPACTED MATERIAL means solid waste material compressed through hydraulic or mechanical means.

E. DEPARTMENT means the Yuma county Sanitary Landfill Department.

F. DIRECTOR means the Director of the Yuma County Sanitary Landfill Department or his authorized representative.

G. LIQUID WASTE means waste which is not spadable and is of a type and amount which the Department determines can be accepted at the Landfill.

H. LOOSE MATERIAL means all bulk refuse which has not been compacted.

I. MISCELLANEOUS ITEMS means garbage, household trash, grass, palm fronds, tree leaves, brush, manure, feed and straw.

J. SANITARY LANDFILL means a disposal site employing an engineered method of disposing of solid waste in a manner that minimizes environmental hazards by spreading and compacting all wsstcs to the smallest practical volume, and by applying cover material over all exposed wastes at the end of each operating day.

Application:

All Commercial haulers disposing of waste at county Sanitary Landfill shall be charged a fee as described in the following section. Non-commercial users will not be charged. The fee shall be due in cash at the time of landfill usage unless other arrangements have been made with the Department. Payment of solid waste fees may also be made in a advance of use. The fee collection program will be administered by the Sanitary Landfill Division of the Dcpstrmct of Public Works 2703 Avenue B, Yuma, Arizona 85364, (602) 329-2300.

Fees:

Fees for use of the Yuma County Landfill shall be assessed as set forth in the Rate and Fee Schedule. The Rate Schedule may be amended by Resolution of the Board of Supervisors.

USER FEE SCHEDULE ATTACHED - Exhibit A.  
UNCOVERED LOADS ATTACHED - Exhibit B.

Billing:

Any user may, upon application and approval, pay solid waste fees through a monthly billing from Department. A user on a monthly billing may be required to provide a payment bond, letter of credit, or certificate of deposit in a reasonable amount to the Department. The payment bond may be applied by the Department against any amount unpaid sixty (60) days after date of billing. At such time as a user no longer desires a monthly billing, any amount remaining in the payment bond will be returned to the user. The Director may terminate a monthly billing privilege at any time.

Delinquency:

A. There shall be added charges for (a) interest at the rate of one and one-half percent (1 1/2%) per month on the sum of delinquent payments, compounded monthly and (b) any legal and administrative expenses incurred necessary to secure payment.

B. When a payment has been delinquent for more than (60) days, a written notice may be sent to the address listed for such

account, stating the total amount of delinquent payments then due and the period of time for which the payment has been delinquent,

C. If the delinquent payments are not paid within ten (10) working days from the date of the delinquency notice, the Director or his agents may take appropriate steps to ensure that the landfill privileges are not utilized until the delinquency is paid.

Enforcement:

The Director or his designee may enforce the provisions of this ordinance by denying a user access to the Yuma County Landfill. The Director may suspend or revoke the Landfill use privileges of any user who evades payment of the proper charges. Such denial of access or suspension or revocation of privileges may be appealed to the Board of Supervisors which may affirm, set aside, increase or lessen these administrative sanctions.

Effective Date:

This ordinance shall be come effective on September 1, 1991.

Severability:

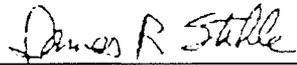
In the event that any provision of this ordinance or the application thereof is held invalid, such invalidity shall have no effect on other provisions and their applications which can be given effect without the invalid provisions or application, and to this end the provisions of this ordinance are severable.

Passed and adopted by the Board of Supervisors of Yuma County, Arizona, the 19th day of August, 1991.

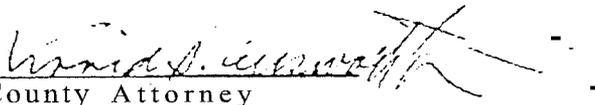
BOARD OF SUPERVISORS OF YUMA COUNTY

By   
Chairman of the Board  
DANNY L. BRYANT

ATTEST:

  
Clerk of the Board  
JAMES R. STAHLE

APPROVED AS TO FORM:

  
County Attorney  
DAVID S. ELLSWORTH

0816WP.RAP

EXHIBIT "B"

YUMA COUNTY  
SANITARY LANDFILL DEPARTMENT

A.R.S. § 28-1873 states in part: "A person who dumps, deposits, places, throws or leaves refuse, rubbish, debris, filthy or odoriferous objects, substances or other trash upon a state or county highway, road, public thoroughfare, public airport or the right-of-way thereto or within twenty yards of a state or county highway, road, public thoroughfare or public airport is guilty of a class 3 misdemeanor." Unfortunately, this is violated frequently by individuals hauling refuse to County landfills or transfer stations. Many hours of labor are required to pick up refuse scattered on and along side roads leading to and within the County disposal facilities. Due to constant traffic and the high frequency of violations, these roads often appear littered. Hauling of uncovered loads also contributes to air pollution from the release of fugitive emissions. Construction refuse, soil, and other materials which can be crushed into fine particles may be released directly into the air from uncovered beds, or may be crushed by traffic after falling onto road.

To promote voluntary compliance with A.R.S. § 28-1873, uncovered loads will be assessed the following handling charges at the time of their disposal at the County Landfill:

<u>Type of Refuse</u>	<u>Handling Charges</u>	<u>Effective Date</u>
Vehicle plus load is 10,000 lbs. or less	Applicable fee plus \$2.00 / load	January 1, 1992
Vehicle plus load is over 10,000 lbs.	Applicable fee plus \$5.00 / load	January 1, 1992

The payment of fees for uncovered loads will be used to defray the extra expense of picking up the litter. Violation of A.R.S. § 28-1873 may subject you to enforcement action by the Arizona Highway Patrol or the County Sheriff's Office. The intent of the handling charge is to promote covering of loads. Payment of the handling charge does not waive action pursuant to A.R.S. § 28-1873.



Yuma County, Arizona  
DEPARTMENT OF DEVELOPMENT SERVICES  
2703 S. Avenue B • Yuma, Arizona 85364

Harold Aldrich  
Director  
(928) 329-2300  
FAX: (928) 726-5626

cc: MSK  
ALJ  
orig  
[Signature]

FAX TRANSMITTAL

DATE: 6/23/03  
TO: THELISA A. Pella  
COMPANY: ADCO  
FAX NO. (602) 771-2366  
FROM: Frank Sanchez

TOTAL PAGES INCLUDING THIS COVER PAGE: 8

SPECIAL INSTRUCTIONS/ COMMENTS/ INFORMATION:

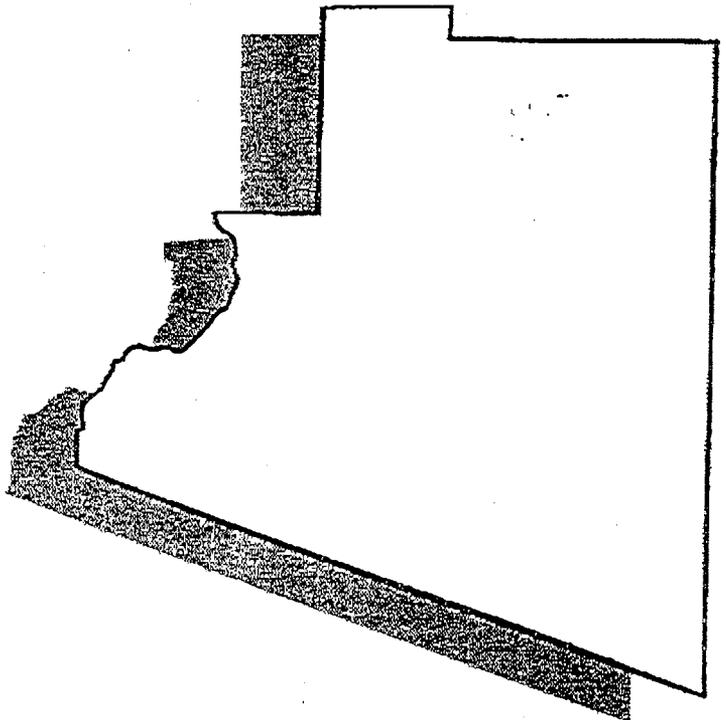
Hello thelisa -  
Per our mtg on Friday, here is the information you requested.  
- Copy of the Regulation For Concrete Driveways  
- Copy of a Dust Control Plan for one of our County Projects.  
If you have any questions, please let me know -  
thanks,  
Frank Sanchez

IF INCORRECT NUMBER OF PAGES ARE RECEIVED, PLEASE CONTACT US

IMMEDIATELY

# PUBLIC WORKS STANDARDS

75477 FOR  
YUMA  
COUNTY  
VOLUME I



**YUMA COUNTY  
DEPARTMENT OF PUBLIC WORKS**



RESOLUTION NO. 88-28

Resolution by the Board of Supervisors amending existing Yuma County Construction Standards,

WHEREAS, Donald B. Fortney, Director of Public Works; filed with the Board of Supervisors of Yuma County, The Public Works Standards for Yuma County-Volume 1 and,

WHEREAS, such Public Works Standards consist of the following:

- o Introduction
- o Roadway Classifications
- o Engineering Design Standards
- o Monumentation
- o Drainage and Utilities
- o Structures
- o Access Control
- o Yuma County Construction Standards

and,

WHEREAS, the construction standards adopted in the Public Works Standards supersede and replace previous Yuma County Construction Standards and,

WHEREAS, The Director of Public Works has requested the Board of Supervisors adopt these Public Works Standards and,

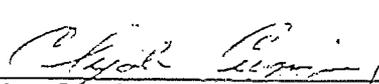
WHEREAS, there exists a need within Yuma County for orderly development and growth, and public safety and welfare and,

WHEREAS, it appears to the Board that the adoption of the said Public Works Standards are necessary in the orderly development of Yuma County and in providing public safety and welfare and,

NOW, THEREFORE BE IT RESOLVED that the herein above described Public Works Standards for Yuma County, Volume 1 are hereby adopted for use in Yuma County.

BE IT FURTHER RESOLVED, that the effective date of this resolution shall be the date approved.

Approved this 18th day of July, 1988.

  
\_\_\_\_\_  
Clyde Cuming, Chairman  
Board of Supervisors  
Yuma County, State of Arizona

ATTEST:

  
\_\_\_\_\_  
Andrew O. Torres, Clerk  
Board of Supervisors

### 3.3.9 Driveways

Driveway dimensions and details are shown in the Construction Standards. Specific guidelines for driveway location, spacing and where driveways are not permitted must be followed as defined in Section 7.0, Access Control Standards.

Where curb, gutters, and sidewalks are to be placed, driveways shall be constructed with Portland Cement Concrete. Where only curb and gutters are to be placed, or where no curb or gutters are to be placed, the driveway may be paved with the same materials used for the off-street surfacing on the property to be served. When the fronting property is unsurfaced, a surfaced driveway shall be provided between the edge of road and curb or sidewalk and the right-of-way line with one of the following:

- a. Four inch A.B.C., only if the county road is unpaved.
- b. Two inch asphalt pavement over four inch A.B.C.
- c. Four inch Portland Cement Concrete.

Drainage requirements for driveways shall be as follows:

- a. No surface drainage from driveways shall be allowed to flow onto county roads.
- b. For driveways crossing ditch sections, culverts shall be 12 inches in diameter or larger if so required to carry anticipated storm water flows. Culvert sizes shall be approved by the Department of Public Works.

Maintenance of driveway approaches, including drainage culverts, shall be the responsibility of the owner whose property they serve.

A minimum clearance from obstructions (such as public utility structures, traffic control devices, etc.) of two feet for residential driveways and four feet for commercial and industrial driveways is required.

### Section 3 – Dust Control Plan

- Put a check (✓) in the box in front of all the following sources of fugitive dust that you anticipate from your project.
- Write the letters "NA" in the box in front of all the following sources of fugitive dust that you do not anticipate implementing during your project.
- Unless already pre-designated, write the letter "P", for primary control measures that you will implement during your project, on the line in front of at least one of the listed control measures or work practices, under each checked box/source of fugitive dust. The control measures pre-designated with the letter "P" are required to be implemented.
- Write the letter "C", for contingency control measures that you will implement during your project, on the line in front of at least one of the listed control measures or work practices, under each checked box/source of fugitive dust.

#### N/A Unpaved Haul/Access Roads:

- Limit vehicle speed to 15 miles per hour or less and limit vehicular trips to no more than 20 per day. If this is chosen as the primary control measure, indicate number of vehicles traveled on haul roads: \_\_\_\_\_
- Apply water at a frequency and intensity to comply with Subsection 302.2 in Rule 310 (See Guidance-"Water")  
Water Availability: \_\_\_\_\_  
Water Application: \_\_\_\_\_
- Pave
- Apply and maintain surface gravel, recycled asphalt, or other suitable material so that the area meets the silt loading and silt content limits of Subsection 302.2 in Rule 310 (See Guidance-"Surface Gravel, Recycled Asphalt, Or Other Suitable Material")
- Apply and maintain dust suppressant(s) other than water using \_\_\_\_\_ at a frequency of \_\_\_\_\_ and an intensity of \_\_\_\_\_ (See Guidance-"Dust Suppressants")
- Other: \_\_\_\_\_

#### Disturbed Surface Areas – Before Dust Generating Operations Occur:

- Pre-water site to the depth of cuts (See Guidance-"Water")  
Water Availability: Hydrant Meter  
Water Application: Water Truck
- Phase work to reduce the amount of disturbed surface area at any one time. Describe major project phases (See Guidance-"Describing Major Project Phases")  
\_\_\_\_\_
- Other: Post Traffic Speed Limit to 15MPH

#### Disturbed Surface Areas – During Dust Generating Operations:

- Apply water (See Guidance-"Water")  
Water Availability: Hydrant Meter  
Water Application: Water Truck
- Apply and maintain dust suppressant(s) other than water using \_\_\_\_\_ at a frequency of \_\_\_\_\_ and an intensity of \_\_\_\_\_ (See Guidance-"Dust Suppressants")
- Construct fences or 3 foot - 5 foot high wind barriers with 50% or less porosity (in combination with one of the above) Show locations on drawing in Section 2.
- Cease operations (as a contingency control measure only)
- Other: Post Traffic Speed Limit to 15MPH

**Disturbed Surface Areas – Temporary Stabilization**  
**Including Weekends, After Work Hours, Holidays, And Periods Up-To 8**  
**Months:**

- Apply water (See Guidance-“Water”) or other dust suppressant (See Guidance-“Dust Suppressants”) in sufficient quantity and frequency to establish and maintain a visible crust.  
 Water Availability: Hdrant Meter  
 Water Application: Water Truck
- Establish vegetative ground cover that complies with Subsection 302.3 in Rule 310 (See Guidance-“Vegetative Ground Cover”) Describe vegetative ground cover: \_\_\_\_\_
- Restrict vehicular access in combination with one of the above
- Other: \_\_\_\_\_

**Disturbed Surface Areas – Permanent Stabilization**  
**Required Within 8 Months Of Ceasing Dust Generating Operations:**

- Restore area such that the vegetative ground cover and soil characteristics are similar to adjacent or nearby undisturbed native conditions
- Establish vegetative ground cover that complies with Subsection 302.3 in Rule 310 (See Guidance-“Vegetative Ground Cover”) Describe vegetative ground cover: \_\_\_\_\_
- Pave or apply gravel
- Apply and maintain dust suppressant(s) other than water using \_\_\_\_\_ at a frequency of \_\_\_\_\_ and intensity of \_\_\_\_\_ (See Guidance-“Dust Suppressants”)
- Other: \_\_\_\_\_

**N/A Trackout From Work Sites**

**With 5 Acres Or More Of Disturbed Surface Area Or With 100 Cubic Yards Or**  
**More Of Bulk Material Hauled On Or Off Site Per Day:**

- Install a grizzly or wheel wash system at all access points
- At all access points, install a gravel pad at least 30 feet wide, 50 feet long, and 6 inches deep
- Pave starting from the point of intersection with a paved public roadway and extending for a centerline distance of at least 100 feet and a width of at least 20 feet
- Other: \_\_\_\_\_

**Spillage, Carry-Out, Erosion, And/Or Trackout:**

**If Extending More Than 50 Feet Along A Paved Public Roadway,**  
**Implement IMMEDIATELY:**

- Operate a street sweeper or wet broom with sufficient water, if applicable, at the speed recommended by the manufacturer
- Manually sweep-up deposits
- Other (describe in detail): \_\_\_\_\_

If Extending Less Than 50 Feet Along A Paved Public Roadway,  
Implement NO LATER THAN THE END OF THE WORK DAY:

- Operate a street sweeper or wet broom with sufficient water, if applicable, at the speed recommended by the manufacturer
- Manually sweep-up deposits
- Other (describe in detail): \_\_\_\_\_

Vehicle Use In Open Areas:

- Restrict trespass by installing signs
- Install physical barriers such as curbs, fences, gates, posts, signs, shrubs or trees to prevent access
- Other: \_\_\_\_\_

Unpaved Parking Lots:

- Apply water at a frequency and intensity to comply with Subsection 302.1 in Rule 310 (See Guidance-"Water")  
Water Availability: Hydrant Meter  
Water Application: Water truck
- Apply and maintain gravel, recycled asphalt, or other suitable material such that the area meets the silt loading and silt content limits of Subsection 302.1 in Rule 310 (See Guidance-"Surface Gravel, Recycled Asphalt, Or Other Suitable Material")
- Pave
- Apply and maintain dust suppressant(s) other than water using \_\_\_\_\_ at a frequency of \_\_\_\_\_ and an intensity of \_\_\_\_\_ (See Guidance-"Dust Suppressants")
- Other: \_\_\_\_\_

Bulk Material Handling And Open Storage Piles:  
(Choose Primary Control Measure And Secondary Control Measure  
For Each Of The Following 2 Situations):

During Stacking, Loading, And Unloading Operations:

- Apply water at a frequency and intensity so as not to exceed 20% opacity (See Guidance-"Water")  
Water Availability: Hydrant Meter  
Water Application: Water Truck
- Other (describe in detail): Cease Operation

When Not Conducting Stacking, Loading, And Unloading Operations:

- Cover open storage piles with tarps, plastic, or other material
- Apply water to maintain a soil moisture content at a minimum of 12% or 70% of the optimum moisture content for compaction (See Guidance-"Water")  
Water Availability: \_\_\_\_\_  
Water Application: \_\_\_\_\_
- Apply water as needed to establish and maintain a visible crust (See Guidance-"Water")  
Water Availability: Hydrant Meter  
Water Application: Water Truck
- Maintain a threshold friction velocity of at least 100 cm/sec
- Maintain vegetative cover meeting one of the requirements of Subsection 302.3 in Rule 310 (See Guidance-"Vegetative Ground Cover")
- Construct wind barriers (See Guidance-"Open Storage Piles"). This control measure must be used in combination with at least one of the above control measures, except covering.
- Other: Cease Operation

**Bulk Material Hauling On-Site Within The Boundaries Of The Work Site:**

- Load all haul trucks such that the freeboard is not less than 3 inches; and Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgates; and Install a trackout control device that removes particulate matter from tires and the exterior surfaces of haul trucks and/or motor vehicles that traverse the work site
- Limit vehicular speeds to 15 miles per hour or less while traveling on the work site
- Apply water to the top of the load (See Guidance-"Water")  
Water Availability: Hydrant Meter  
Water Application: Apply Using 3" water hose attached to meter
- Cover haul trucks with a tarp or other suitable closure
- Other: \_\_\_\_\_

**Bulk Material Hauling Off-Site Onto Paved Public Roadways:**

- Cover haul trucks with a tarp or other suitable closure; and Load all haul trucks such that the freeboard is not less than 3 inches; and Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate(s); and Before the empty haul truck leaves the site, clean the interior of the cargo compartment or cover the cargo compartment
- Other: Cease Operation

**Earthmoving Operations On Disturbed Surface Areas 1 Acre Or Larger:**

- Apply water, while conducting earthmoving operations (See Guidance-"Water")  
Water Availability: Hydrant Meter  
Water Application: Water Truck
- Other: Post Traffic Speeds to 15MPH

**Weed Abatement By Discing Or Blading:**

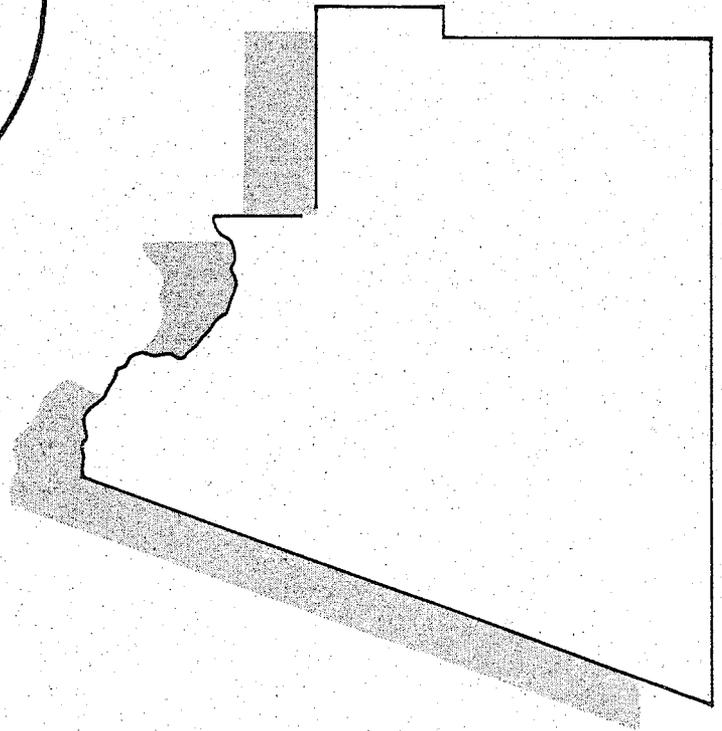
- Pre-water site and apply water, while weed abatement by discing or blading is occurring (See Guidance-"Water")  
Water Availability: Hydrant Meter  
Water Application: Water Truck
- Other: Cease Operation

Choose At Least One Of The Following, As A Primary Control Measure, To Be Implemented Following Weed Abatement By Discing Or Blading:

- Pave
- Apply gravel to establish and maintain either a threshold friction velocity of at least 100 cm/sec or a cover of at least 10% non-erodible elements
- Apply water (See Guidance-"Water") or other dust suppressant (See Guidance-"Dust Suppressants") to establish and maintain a visible crust  
Water Availability: Hydrant Meter  
Water Application: Water Truck
- Establish vegetative ground cover meeting one of the requirements of Subsection 302.3 of Rule 310 (See Guidance-"Vegetative Ground Cover")
- Other: \_\_\_\_\_

# PUBLIC WORKS STANDARDS

FOR  
YUMA  
COUNTY  
Volume II



YUMA COUNTY  
DEPARTMENT OF DEVELOPMENT SERVICES

## GENERAL CONDITIONS

### SECTION 104 SCOPE OF WORK

#### 104.1 WORK TO BE DONE:

**104.1.1 GENERAL:** The Contractor shall perform all work as may be necessary to complete the contract in a satisfactory and acceptable manner in full compliance with the plans, specifications and terms of the contract.

Unless otherwise specified in the special provisions, he shall furnish all labor, materials, equipment, transportation, utilities, services and facilities required to perform all work for the construction of the project within the time specified.

**104.1.2 MAINTENANCE OF TRAFFIC:** The Contractor's operations shall be in accordance with the Manual on Uniform Traffic Control Devices and/or policies of the appropriate public agency having jurisdiction over the project. These operations shall cause no unnecessary inconvenience to the public and public access rights shall be considered at all times. Unless otherwise authorized in the specifications or on a temporary basis by the Engineer, traffic shall be permitted to pass through the work area. The Contractor shall coordinate with the various agencies both commercial and public, involved in the collection and removal of trash and garbage, so that adequate services are maintained.

Safe and adequate pedestrian and vehicular access shall be provided and maintained to fire hydrants, commercial and industrial establishments, churches, schools, parking lots, motels, hospitals, fire stations, police stations, and establishments of a similar nature. Access to residential properties shall be in accordance with Section 107 "Legal Relations and Responsibility to the Public".

Grading operations, pipeline and roadway excavation and fill construction shall be conducted and maintained in such a manner as to provide a reasonably satisfactory and safe surface for vehicular and pedestrian traffic. When rough grading is completed, the roadbed shall be brought to and maintained in a reasonably smooth condition, satisfactory and safe for vehicular traffic at the posted speed limit. Pedestrian walkways shall be provided and maintained in a like manner. The Contractor shall accomplish any additional grading operations and/or repairs, including barricade replacement or repairs during working and non-working periods which, in the opinion of the Engineer, are required.

In the event of abnormal weather conditions, such as windstorms, rainstorms, etc., the Contractor shall immediately inspect his work area and take all necessary actions to insure that public access, safety and adequate barricading is maintained.

The Contractor shall provide a Traffic Control Plan to the Engineer for review and approval prior to construction on arterial and collector roadways.

The Contractor shall provide the Engineer with the emergency phone numbers of his representatives.

**104.1.3 CLEANUP AND DUST CONTROL:** Throughout all phases of construction, including suspension of work, and until final acceptance of the project, the Contractor shall keep the work area clean and free from rubbish, excess materials and debris generated by construction activities.

The Contractor shall take whatever steps, procedures or means required to prevent any dust nuisance due to his construction operations. The dust control measures shall be maintained at all times to the satisfaction of the Engineer and in accordance with the requirements of the Yuma County Health Department.

Failure of the Contractor to comply with the Engineer's cleanup and dust control orders may result in an order to suspend work until the condition is corrected. No additional compensation or time will be allowed as a result of such suspension and the Engineer has the authority to take such other measures as may be necessary to remedy the situation.

**GENERAL CONDITIONS**

**SECTION 104**

**104.2.5 DUE TO THE FAILURE OF THE CONTRACTOR TO PROPERLY MAINTAIN THE PROJECT :**

(A) If the Contractor fails to provide adequate maintenance of traffic or cleanup and dust control or to correct deficiencies resulting from abnormal weather conditions, the Engineer has the authority to suspend the work wholly or in part until this condition has been corrected.

(B) If the Contractor fails to comply with the Engineer's written order to provide adequate maintenance of traffic, cleanup, dust control, or to correct deficiencies resulting from abnormal weather conditions, the Engineer has the authority to have this work accomplished by other sources.

(C) The Contractor agrees to cooperate fully with the other source accomplishing this work and agrees action shall not invalidate the Contract or release the surety.

**Miscellany – Updated Dust Control Ordinances (Yuma County)**

**608.09--Minimum Development Standards**

- A. The owners or owners' agents of a tract of land proposed to be developed as a manufactured home park shall submit to the Director a plan for the development and use of the park as drawn by a registered engineer. The Director upon review of the proposed plan may approve the park plan in accordance with the following minimum criteria or greater criteria if required in the reasonable discretion of the Director.
  - 6. There shall be a minimum of two points of ingress and egress to the park in order to allow emergency access. All roadways within the park shall be a minimum of thirty-two feet in width and shall be built and continuously maintained in a dust free condition by application of an aggregate base course (ABC) covered by a penetration and chip seal coat sufficient to meet this requirement.

**610.09--Minimum Development Standards**

- A. An owner or owners' agent of a property proposed to be developed as a recreational vehicle park shall submit to the Director a plan for the development and use of the park as drawn by a registered engineer. The Director upon review of the proposed plan may approve the park plan in accordance with at least the following criteria or greater criteria if required in the reasonable discretion of the Director.
  - 6. There shall be a minimum of two points of ingress and egress to the park in order to allow emergency access. All roadways within the park shall be a minimum of thirty-two feet in width and shall be built and continuously maintained in a dust free condition by application of an aggregate base course (ABC) covered by a penetration and chip seal coat sufficient to meet this requirement.

**706.06 - Airport Industrial Overlay Districts (AIOD-1 and AIOD-2)**

- (16) No new buildings or improvements or expansion of non-agriculture buildings or improvements for uses that result in the release of any substance into the air that would impair visibility or otherwise interfere with operating aircraft, such as any of the following:
  - (a) Steam, dust and smoke.
- (17) Uses not listed are presumed to not be compatible. This does not preclude a determination of compliance if the political subdivision and the military airport mutually agree that an individual use is compatible and consistent with the high noise or accident potential of the military airport.

**Section 906.00--Parking Area Surfaces**

- B. Parking areas that are not covered with the type of surface specified in Subsection (A) that require more than six spaces shall be graded and surfaced with a dust-inhibitor treated ABC. The perimeter of such parking areas shall be defined by

bricks, stones, railroad ties, or other similar devices. The driveway leading from the street or the property line shall be surfaced as provided in Yuma County Public Works Construction Standards.

- D. Parking areas shall be properly maintained by the owner.

DEC 3 - 1992

MEMORANDUM OF AGREEMENT  
BETWEEN THE  
MARINE CORPS AIR STATION  
AND THE  
ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF ARIZONA

The parties to this agreement are the Marine Corps Air Station Yuma, Arizona, and the Arizona Department of Environmental Quality, Air Quality Office.

1. Authority

Federal Authority

The authority for the Marine Corps Air Station is Marine Corps Order P5090.2.

State Authority

Arizona Revised Statutes Sections 49-104 A(2) and A(7).

2. Purpose

The purpose of this agreement is to formalize the cooperation between the Marine Corps Air Station and the Arizona Department of Environmental Quality in implementing Reasonably Available Control Measures to reduce particulate pollution in the Yuma PM<sub>10</sub> Non-Attainment Area.

3. Objectives

The objectives of this Agreement are:

a). To minimize PM<sub>10</sub> emissions resulting from federal activities on the Marine Corps Air Station and from associated activities within the Non-Attainment area, to the extent practicable without jeopardizing the mission of the Marine Corps Air Station.

b). To provide technical assistance, and joint review of control measures and opportunities for cost effective means of reducing PM<sub>10</sub> emissions.

#### 4. Inclementation

A. The Marine Corps Air Station will work with the City of Yuma in the development of a bicycle path from the Station to Yuma for the purpose of reducing motor vehicle trips between Yuma and the Station. Marine Corps Air Station is also encouraging car pooling and bicycle use on the Station given the fact bicycle rentals are now currently available on Station at no cost. MCAS is also controlling auto access and parking at selected locations on the Station.

B. Marine Corps Air Station will continue to require car pooling and coordination of administrative trips to San Diego and other off-station trips by government vehicle.

C. Marine Corps Air Station will pave approximately 14 miles of Federal road to the firing range, and Range Management will control unauthorized traffic on unpaved roads by a combination of patrolling, posting, and use of gates at selected locations.

D. Marine Corps Air Station will take the following actions to control dust from disturbed land areas on Station:

1. Minimize grading and other soil disturbing actions on secondary unpaved roads. Indiscriminate grading of natural vegetation will be discouraged.

2. Identify and control areas where runoff transports soil to paved road surfaces.

3. Landscape wind erodible areas with native plants to prevent or control windblown dust.

4. Where vegetative control for security reasons is required, plants will be cropped or mowed to within a few inches of the ground, rather than being completely removed.

5. Where vegetation cannot be maintained, large gravel will be used to stabilize the area and provide dust control when such action does not create a safety hazard.

Pages 3-1 and 3-18, Marine Corps Air Station Natural Resources Management Plan - 1990, which further describe the measures to

control dust from disturbed land areas, are adopted by reference.

E. Marine Corps Air Station street sweeping equipment operators will be instructed to operate equipment in a manner which minimizes dust, including using water during operations.

F. The Arizona Department of Environmental Quality and Marine Corps Air Station will conduct a joint annual review and evaluation of the control measures implemented, and evaluate opportunities for revisions to this Agreement.

G. Marine Corps Air Station will establish record keeping and annual reporting procedures which will:

a. identify and map the areas treated during the previous year, including method, schedules of treatments, and efficiency evaluation. Using gravel and asphalt, approximately 1,000 yards of dirt road was blacktopped from the rifle range road to the impact area. Using large gravel and asphalt, an area of approximately 7,500 square yards of vehicle area was covered at building 603 (see Enclosure 1). Approximately 1,700,000 square yards of dirt area surrounding the air field was blanketed using an emulsified asphalt (see Enclosure 2).

b. describe progress made on items A and B from paragraph 4, Implementation:

1) for item 4.A., one half mile of bicycle path is completed. The estimated annual usage is approximately 10,400 bicycles.

2) for item 4.B., daily bus runs from MCAS Yuma to P-111 eliminated approximately 9,360 vehicles yearly; daily runs from MCAS Yuma to the Rifle Range eliminated approximately 24,000 vehicles yearly. Daily hospital run to Balboa Naval Hospital San Diego, California eliminated approximately 6,240 vehicles yearly.

c. identify and map areas to be treated in the current year, including method and proposed schedules of treatment. At the present date, MCAS Yuma has no proposed schedule for treatment.

d. identify any policy, regulation or order, or change therein, which affects any of the control measures included in this agreement. Marine Corps Order P5090.2 (Environmental Compliance and Protection Manual) has been identified.

These records will be available for examination on request. A report containing the above listed information will be provided to the Air Quality Office, Arizona Department of Environmental Quality annually, in January.

## 5. General Provisions

A. All applicable national policy requirements and administrative management standards as set forth in Office of Management and Budget, Financial Management Division, Directory of Policy Requirements and Administrative Standards for Federal Programs are hereby incorporated by reference, including OMB Circular A-102, OMB Circular A-78, and OMB Circular A-128.

B. No member of or delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this Agreement, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this agreement if made with a corporation for its general benefit.

IN WITNESS WHEREOF, the parties hereto do hereby execute this instrument:

For the  
W I N E CORPS AIR STATION

BY:  Date: 30 Nov '92  
Clarence B. Cheatham,  
Colonel, U.S.M.C.

For the  
ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF ARIZONA

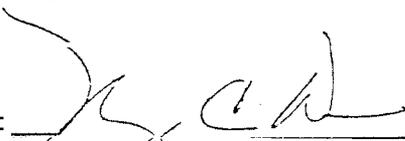
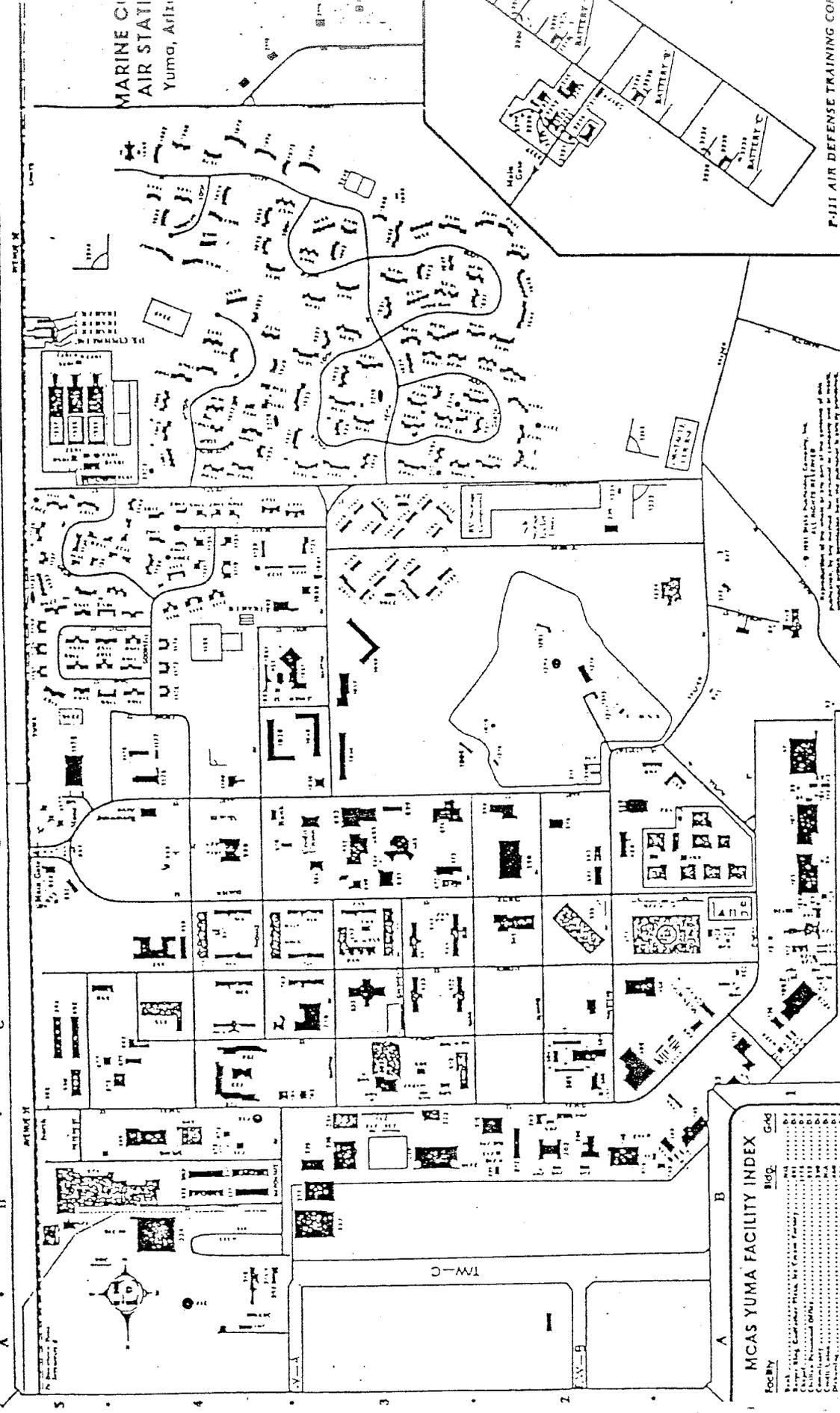
BY:  Date: 12/4/92  
Nancy C. Wrona,  
Assistant Director for  
Air Quality

EXHIBIT A

Contents of this Exhibit:

1. Pages 3-1 and 3 - 18; Marine Corps Air Station Natural Resources Management Plan - 1990.
2. Map of the proposed paved bicycle path.
3. Map of firing range road to be paved.
4. July 15, 1992, letter from Environmental Division, regarding schedules for work to be completed.
5. Information regarding commitment of resources to complete planned work. (To be provided by MCAS).

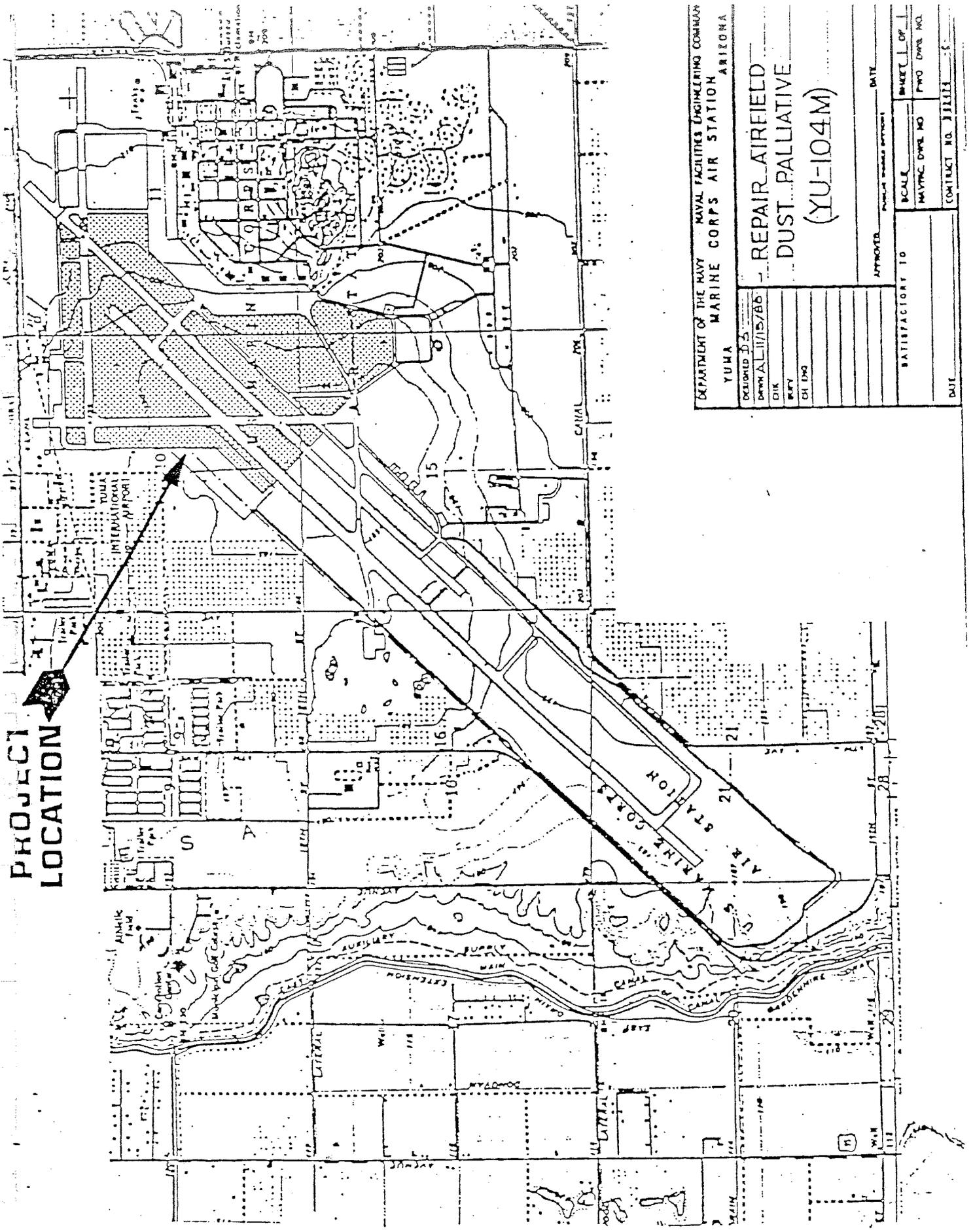
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**MCAS YUMA FACILITY INDEX**

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# PROJECT LOCATION



DEPARTMENT OF THE NAVY NAVAL FACILITIES ENGINEERING COMMAND  
 MARINE CORPS AIR STATION ARIZONA

YUMA

DELIVERED TO: \_\_\_\_\_  
 DATE: 11/15/66  
 DTK \_\_\_\_\_  
 BY: \_\_\_\_\_  
 DTG: \_\_\_\_\_

REPAIR AIRFIELD  
 DUST PALLIATIVE  
 (YU-104M)

APPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_  
 PROJECT NUMBER: \_\_\_\_\_

SATISFACTORY TO: \_\_\_\_\_  
 SCALE: \_\_\_\_\_ SHEET: 1 OF 1  
 NAVY: \_\_\_\_\_ MARINE CORPS: \_\_\_\_\_  
 CONTRACT NO. 331113 DATE: \_\_\_\_\_



ADEQ  
AIR QUALITY DIVISION  
02 MAR 12 AM 10:28

**ADEQ AGREEMENT NO.: EV02-0115**

**TERMINATION DATE: March 12, 2007**

**MEMORANDUM OF UNDERSTANDING**

**Between**

**Arizona Department of Environmental Quality**

**And**

**Yuma County Department of Health Services**

**THIS AGREEMENT** is between the **State of Arizona Department of Environmental Quality** [hereinafter sometimes referred to as "ADEQ"], located at **3033, N. Central Avenue, Phoenix, AZ 85012**, and **Yuma County Department of Health Services, 2200 West 28<sup>th</sup> Street, Yuma, AZ 85364**

**Arizona Department of Environmental Quality**

**Nancy C. Wrona, Director  
Air Quality Division**

**Yuma County Department of Health Services**

  
**David D. Brooks, Director**

**Date:**

*3/12/07*

**Date:**

*3/7/07*

## Memorandum of Understanding

Between

**Arizona Department of Environmental Quality**

and

**Yuma County Department of Health Services**

Whereas A.R.S. § 49-501, authorizes any public officer in the performance of official duty, to issue open burning permits for the purpose of weed abatement, the prevention of a fire hazard, or instruction in the methods of fighting fires, and

Whereas the Marshal of the Yuma County Department of Health Services meets the qualification set forth in A.R.S. § 38-101 for the public officer, and

Whereas the Yuma County Department of Health Services agrees to enforce and observe rules adopted by the Arizona Department of Environmental Quality (ADEQ), laws of the State of Arizona pertaining to the preservation of public health and protection of the environment, and Arizona Guidelines for Open Burning, and

Whereas the Director of ADEQ believes the Yuma County Department of Health Services to be qualified and capable of performing the activities covered by the Agreement and committed to performing them in a quality manner, and

Whereas the Marshal of the Fire Department agrees to abide by the terms of this document, Arizona Open Burning Guidelines and A.A.C. R18-2-602, and

Whereas the Yuma County Department of Health Services deems that it is in its best interests to accept such responsibility,

Therefore, the Director of ADEQ and the Marshal of the Yuma County Department of Health Services enter into this agreement that the Yuma County Department of Health Services will perform those activities described in this Agreement and Arizona Open Burning Guidelines as attached.

### **A. RECORDS AND INSPECTIONS:**

1. The Yuma County Department of Health Services agrees to prepare and maintain records

relating to the performance of the activities specified in this Agreement, for a period of five years.

2. The Yuma County Department of Health Services agrees to provide copies of open burn permits to the Arizona Department of Environmental Quality pursuant to A.A.C. R18-2-602.
3. ADEQ representatives may accompany employees of the Yuma County Department of Health Services on inspections and review all records relating to the performance of the activities set forth in this Agreement. Where practicable, ADEQ will provide prior notice to the Yuma County Department of Health Services of its intent to accompany the Fire Department employees on inspections.

**B. OPERATING GUIDANCE:**

ADEQ will provide the Yuma County Department of Health Services with operating guidance for use in implementing the terms of this Agreement. The guidance shall include; Arizona Guidelines for Open Burning, application forms, and a copy of permit forms and procedural guidelines. Guidance may also include other material that may assist the Yuma County Department of Health Services in making decisions necessary to carry out the activities covered by this Agreement. ADEQ will update this guidance material periodically as the need arises. The Yuma County Department of Health Services is encouraged to use the guidance and to contact ADEQ at any time to request clarification or to request that additional guidance be provided to cover a particular topic.

**C. ENFORCEMENT:**

1. In carrying out its duties under this Agreement, the Yuma County Department of Health Services shall comply with the provisions of A.R.S. § 49-501, and observe and enforce the rules of ADEQ and the laws of the State of Arizona pertaining to the preservation of public health and protection of the environment.
2. The Yuma County Department of Health Services shall initiate timely and appropriate enforcement actions against individuals and facilities to resolve violations of statutes and rules applicable to this Agreement. ADEQ retains complete authority to take enforcement action against any individual, facility or violator covered by this Agreement or, at its sole discretion, to refrain from exercising such authority if enforcement action taken by the Yuma County Department of Health Services is timely, appropriate and effective.
3. The Yuma County Department of Health Services shall respond to imminent health hazards which fall under the Yuma County Department of Health Services's area of jurisdiction. ADEQ also retains authority to respond to, abate, or eliminate an imminent and substantial danger to public health or the environment.

4. The Yuma County Department of Health Services shall not adopt any rules, procedures or policies that are in conflict with State law and are less restrictive than the rules of ADEQ.

**D. TERMINATION:**

1. This Agreement may be terminated in whole or in part by either party, upon providing 30 days advance written notice by certified mail to the other party.
2. The Yuma County Department of Health Services shall, prior to the termination of all or part of this Agreement, forward to the ADEQ Director all files, public documents and pending applications received by the Yuma County Department of Health Services for those functions, powers, and duties being terminated and a summary status report of those functions, powers, and duties, and shall provide written notification to all persons with pending applications and to all regulated facilities affected by such termination.

**E. AMENDMENT:**

This Agreement may be amended at any time upon mutual written agreement of the parties. No amendment of any of the terms of this Agreement shall be effective unless it is in writing and signed by the Designated Officers of the respective parties, or their designees.

**F. AGENCY CONTACT PERSONS:**

The following Yuma County Department of Health Services employee has been designated as responsible for administering the functions and duties pursuant to this agreement. The Yuma County Department of Health Services shall provide written notice of any successor.

Name: David D. Brooks  
Title: Director, Yuma County Department of Health Services  
Address: 2200 West 28<sup>th</sup> Street  
Yuma, AZ 85364

The following ADEQ employee has been designated as responsible for administering the functions and duties pursuant to this Agreement. ADEQ shall provide written notice of any successor.

Name: Nancy C. Wrona  
Title: Director, Air Quality Division  
Address: 3003, North Central Avenue  
Phoenix, AZ 85012

The naming of a successor to either of the above individuals shall not require the re-execution of or an amendment to this agreement.

**G. EFFECTIVE DATE OF AGREEMENT:**

This Agreement shall become effective on the date signed by the ADEQ Director or his/her designated representative.

**H. AGREEMENT TERM:**

The initial term of this Agreement shall be five years from the effective date and may be extended by mutual written agreement of the parties, as permitted by applicable law.



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**BROWSE AIR QUALITY** | **PERMITS: PERMITS CLASSIFICATIONS: GUIDELINES FOR OPEN BURNING**

- Air Quality Home
- Air Quality Monitoring
- Compliance
- » **Permits**
- Contacts
- Track the Status of Your Permit
- Permits Assistance
- Accelerated Permit Processing
- Permit Classifications
- Fees
- Policies & Guidelines
- Permit Applications
- Arizona Emissions Bank
- Public Notices, Meetings & Hearings
- Preventing Air Pollution
- Air Quality Plans
- Regional Haze & Visibility
- Asbestos
- Smoke Management
- Vehicle Emissions

- BROWSE BY CATEGORY**
- About ADEQ
  - ADEQ Newsroom
  - Assistance
  - Compliance

**For what purposes can you burn?**

The Permits Section of the Office of Air Quality issues permits for open burning for certain purposes which are outlined in R18-2-602 of the Arizona Administrative Code (A.A.C.). Specifically, A.A.C. R18-2-602 states that open outdoor fires may be permitted only for the purposes of weed abatement, prevention of a fire hazard, or instruction in the methods of fighting fires.

**How can you burn?**

Your material to be burned shall be dry, readily combustible, and placed in any of the following arrangements in such quantities that it will be completely consumed within the permitted burn hours listed below:

- o piled
- o collected in a pit
- o placed in an approved waste burner
- o ignited in place

Your piled or pit contained material must have a minimum clearance of 50 feet from any structure.

You may start your burn using items such as matches, flares, or hand held torches fueled by liquified petroleum gas such as propane or butane. You may not start your fire using tires, tar paper, oil, or liquified petroleum products such as gasoline or diesel. You may not use any ignition device that causes the production of black smoke.

**When can you burn?**

You are only allowed to burn between the following hours:

- o Year round: start igniting no earlier than one hour after sunrise; and

- Education & Outreach
- Laws, Rules & Policies
- Permitting
- Publications & Forms
- Employment
- Doing Business with ADEQ

**BROWSE BY PROGRAM**

- Air Quality
- Tank Programs
- Waste Programs
- Water Quality

- o Year round: fire must be extinguished two hours before sunset.

**You are not allowed to burn at night. Do you have any additional responsibilities?**

You must notify the local fire fighting agency or private service provider, if the service provider is a delegated authority, prior to each open burning. Such agency may require you to obtain a permit from them before being allowed to burn and may prohibit open burning during periods of smoke dispersion, excessive visibility impairment, or during periods of extreme fire danger.

You may not open burn when any air stagnation advisory, as issued by the National Weather Service, is in effect in the area of the burn or during periods when smoke can be expected to accumulate to the extent that it will significantly impair visibility in Class I areas. Such visibility impairment can be anticipated during periods of heavy regional haze and/or calm wind conditions.

Open burning shall be conducted only during wind conditions which prevent dispersion of smoke into populated areas, do not cause a visibility impairment on traveled roads or airports to the extent that a safety hazard results, do not create a public nuisance, and do not cause uncontrollable spreading of the fire.

You may be required by the Director or the Director's Designee to extinguish or abstain from open burning during periods of inadequate smoke dispersion, excessive visibility impairment or at other times when public health or safety could be adversely affected.

You must be present at all times when open burning. Do not set a fire and leave. You may be responsible for any damage caused by a fire started by your open burning. You may be subject to civil penalties from damages caused by fires started by your open burning. You must have available any necessary equipment (i.e., water supply, water hose, shovel, sand, etc.) to control the burn and to put out the fire if the need arises. You must completely extinguish the fire before leaving it unattended.

You must have a copy of the burn permit on-site during open burning, to show that you have authorization to conduct open burning. The permit shall not be construed to relieve you from liability from resulting damages or the obligation to comply with other applicable laws, regulations, or ordinances.

You must fill out the 'Reporting Form' and 'Certification of Truth, Accuracy, and Completeness', included with your permit, and return it to ADEQ or the agency which issued your permit by March 31st of each year.

**What types of Emission Reduction Techniques (ERTs) you should be utilizing to minimize**

**emissions from the fire?**

- Minimize the material to be burned;
- Prevent fire from spreading by lining the area where open burn is conducted and application of fire retardant foam, or water;
- Allow the material to dry before burning;
- Minimize soil content in slash piles and by constructing piles under dry soil conditions or by using hand piling methods;
- Burn in piles;
- Use a back fire (burn in the opposite direction of wind) when grass is burned;
- Use an air curtain destructor operated pursuant to manufacturer specifications and meeting applicable state or local opacity requirements;
- Extinguish the smoldering burns;
- Burn before litter falls;
- Burn prior to precipitation

**Types of material you are NOT to burn with an open burning permit:**

1. All plastic materials such as:
  - bottles for household chemicals
  - grocery and retail bags
2. Waste petroleum products:
  - waste crankcase oil
  - transmission oil
  - used oil
  - oil filters
3. Hazardous material containers that contained:
  - pesticides
  - lead compounds
  - cadmium compounds
  - mercury compounds
  - arsenic compounds
4. Tar Paper
5. Poison Oak
6. Asbestos
7. Poison Ivy
8. Poison Sumac
9. Oleanders
10. Aerosol Spray Cans
11. Flammable Liquids

12. Antifreeze
13. Explosives or Ammunition
14. Polyester
15. Thermal Insulation
16. Tires
17. Electrical Wire Insulation
18. Batteries
19. Hazardous Waste Products:
  - o paints
  - o pesticides
  - o cleaners
  - o stains and varnishes
20. Asphalt Shingles

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## **SMOKE MANAGEMENT PLAN FOR THE YUMA PLANNING AREA**

### **I. INTRODUCTION**

The Yuma Planning Area is required by the Environmental Protection Agency and the Arizona Department of Environmental Quality (ADEQ) to implement Reasonable Available Control Measures in order to reduce ambient air particulate matter concentrations. The adoption of a smoke management plan for agricultural burning practices is considered a Reasonable Available Control Measure. The following plan is intended to effectively reduce smoke impacts from agricultural burning and to allow for the economic disposal of agricultural waste when there exists no economically feasible alternative.

### **II. AIR QUALITY GOALS**

Utilizing ADEQ data for land use and estimates of agricultural burning in the Arizona portion of the Yuma Planning Area, reduction of these sources can be accomplished in the following manner. The primary sources of burning are Bermuda Grass fields, asparagus fields, citrus grove slash, ditches and grain crops such as wheat. Base data from 1986 ADEQ estimates for annual acreage burned is 20,597 acres which corresponds with 295 tons of particulates from this source released into the Yuma Planning Area. Emission reduction can be accomplished through an annual reduction of twenty-five percent (25 %) of the base acreage burned from 1992 through 1994. If there is a further need for emission reductions after these three yearly reductions, all grain/wheat burning will be banned. The 1994 goal for annual acreage burned will be 5,149 acres corresponding to 74 tons of particulates released which will aid in the Yuma Planning Area regaining compliance with EPA ambient air quality standards.

### **III. GENERAL PROVISIONS**

#### **A. Reporting by Burner**

All burns conducted within the Arizona portion of the Yuma Planning Area must be registered on the day of the burn or on Friday for weekend burns. The burner must notify by telephone the appropriate agency of the following information: location of the burn, responsible party with contact telephone number, fuel type, size of burn (number of piles, number of windrows or acreage), tonnage estimate and ignition technique. At the time of registration, the regulating agency will

notify the burner the time period during which he/she is permitted to burn on that day or the upcoming weekend. The burner is permitted to burn only during authorized time periods as determined by the National Weather Service and provided to the regulating agency.

#### B. Reporting by Regulating Agency

A log book of all burns registered will be maintained by the controlling agency. Daily total acreage burned will be recorded. Also, within this book, the daily burning period will be noted as will a general synopsis of the weather including relative humidity, wind direction, wind speed, temperature extremes and the presence of either "Red Flag" conditions (unusually severe fire weather such as very low humidity in combination with strong winds - sustained winds in excess of 25 mph or numerous dry lightning storms in the area), air pollution alert or the presence (depth and duration) of an inversion. Any significant wildfires which may influence air quality in the area should also be noted. Any citations given for non-compliance and disposition should be recorded in this logbook.

Annual Report - The above log book of information should be submitted annually to the ADEQ in Phoenix for review. Monthly and annual total acreages burned by fuel type should also be included. A written review of major problems or success in attaining smoke management goals will also be submitted.

### IV. MONITORING

#### A. Burner

The burner, once granted permission to burn, will monitor his/her burn to ensure that the smoke is dispersing well above ground. If the smoke is not dispersing, the burn should be controlled/extinguished and the regulating agency notified. All burns should be monitored so that no safety hazard should be created on public roads or air traffic control areas. Burns should not be the cause of a public nuisance. All legal liability for the burns and subsequent smoke lies with the burner.

#### B. ADEQ

At least one particulate matter sampler will be maintained in Yuma while the smoke management program is in effect. Data from the existing particulate matter sampler in Yuma will be assessed by the ADEQ in conjunction with the above log

book information in order to determine if the schedule of reduction or total emissions reduction is adequate. Communication between the ADEQ and the regulating agency should be maintained on these issues of emission reduction attainment. ADEQ should assess whether an additional monitor may be appropriate in the Yuma Planning Area which may be placed downwind of frequently burned areas.

## V. BURNING

### A. Burner Responsibility

The burner will only burn during those hours authorized by the regulating agency and with verbal permission by the same agency after he/she has provided the agency with the required information. No burning will occur during red flag conditions, an inversion nor during an air pollution alert. Long term smoldering of fuels will not be permitted and must be controlled so that active burning occurs only during approved burning hours.

### B. Regulating Agency

The regulating agency will contact the National Weather Service in Yuma for a daily determination of the appropriate burning hours. If information is needed for requests for weekend burning, the agency will use the NWS forecasted burn hour information. The level at which the NWS has found useful for burn hour forecasting is when the mixing height is greater than 4,000 feet above ground level. This parameter has worked in the past, however more stringent criteria such as specific wind direction may be needed. If the system is found to be inadequate for dispersing smoke from the burns, this step could be taken. Assessment of the adequacy of the forecasted burn hours should be reviewed with the ADEQ on an annual basis. No burning should occur after sun down for safety reasons.

## VI. VIOLATIONS

### A. Burners

All burners within the Yuma Planning Area in Arizona will comply with these Guidelines. If burning occurs without verbal permission/registration or during no-burn hours, the violator will be cited by the Yuma County Sheriffs Department (ARS 36-789.01) and be subject to a sliding scale of fines. The sliding scale

will be \$100.00 for the first infraction, \$200.00 for the second, \$300.00 for the third and so on, per each calendar year.

## VII. EDUCATION

### A. Public

Information should be made available to the public on the smoke management program and its goals of emission reduction and protection of public health through ambient air quality.

### B. Burners

This program should be implemented over a period of 3 months in order to ensure that all potentially affected parties are adequately notified of these smoke management provisions.

# RURAL/METRO

Open Burning Permit Application/Permit # \_\_\_\_\_

## Mechanical burning equipment required on all citrus burning.

1) Burn Location: YUMA COUNTY		2) Today's Date:	
3) Property Address or Legal Description:			
4) Material to be burned			
5) Quantity to be burned			
6) Material to be: (check one) <input type="checkbox"/> Collected in a pit <input type="checkbox"/> Placed in an approved waste burner <input type="checkbox"/> Piles <input type="checkbox"/> Ignited in a place using high temperature mechanical burners			
7) Length permit requested for:		8) FROM:	TO:
9) Purpose for requesting burn permit: <input type="checkbox"/> Weed Abatement <input type="checkbox"/> Fire Prevention			
10) Fire controls available? <input type="checkbox"/> Yes <input type="checkbox"/> No No burning within 50' of any structure.			
11) Nearest responding local fire department:			
12) Phone number: 9-1-1 for Emergency; 782-4757 business line			
Please check the appropriate box:			
Permit Fees:			
<input type="checkbox"/> 30 Day Residential.....\$5.00			
<input type="checkbox"/> 6 Months Residential.....\$25.00			
<input type="checkbox"/> 30 Days Commercial/Agriculture.....\$10.00			
<input type="checkbox"/> 6 Months Commercial/Agriculture.....\$50.00			
<input type="checkbox"/> Annual Commercial/Agriculture.....\$95.00			
Additional Information:			
13) Applicant Name:		14) Signature:	
15) Mailing Address:			
16) City, State, Zip Code:			
17) Daytime Phone #:		18) Fax #:	
19) Method of payment: <input type="checkbox"/> Cash <input type="checkbox"/> Check			
Received by:			

Make checks payable to: YUMA COUNTY HEALTH DEPT  
660 E 18th Place  
Yuma AZ 85365

Approved by: \_\_\_\_\_

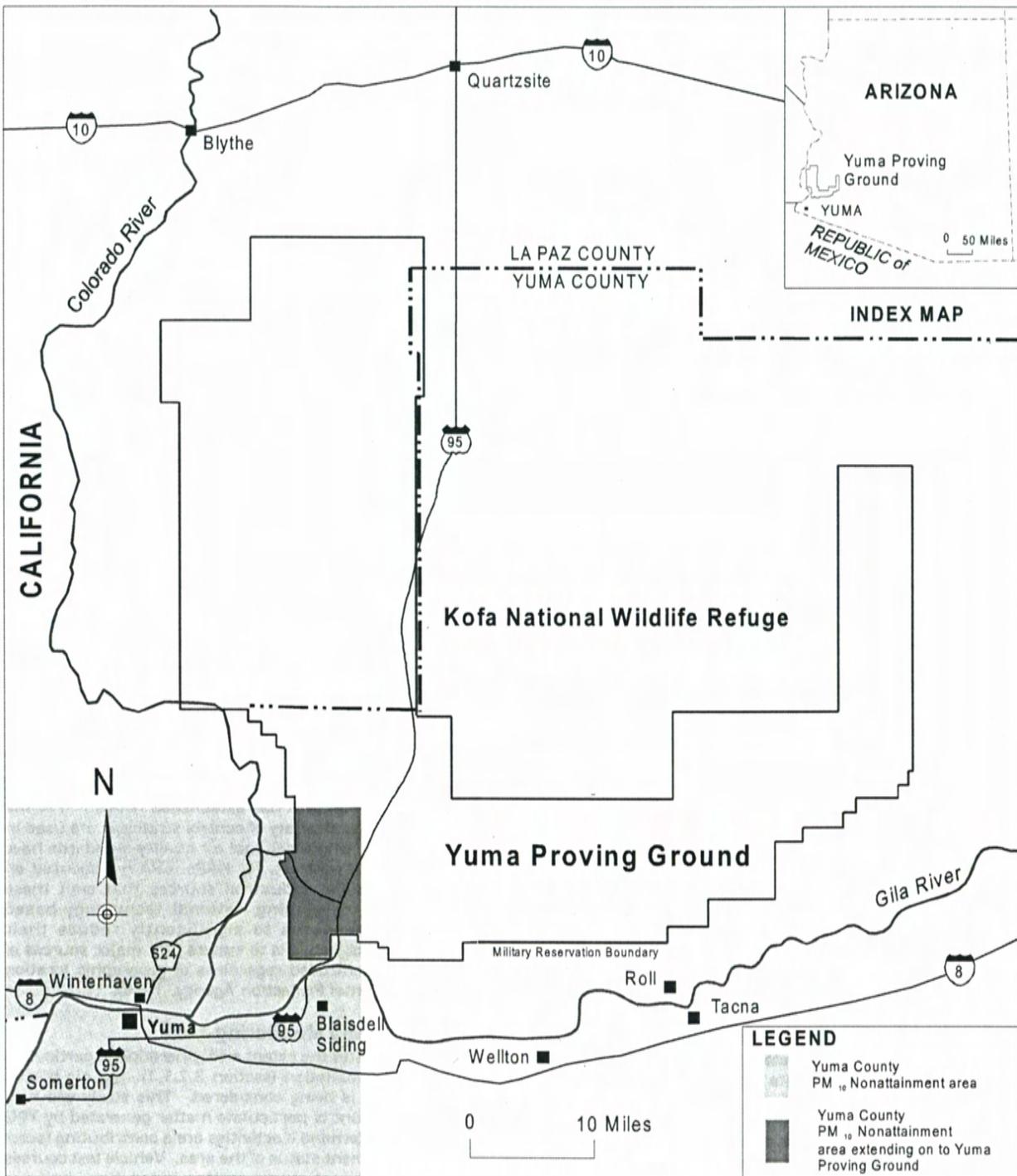


Figure 9. PM<sub>10</sub> Nonattainment Area at Yuma Proving Ground.



Call 1-877-788-HUNT for more information.

**Hunting Program**  
**Yuma Proving Ground**  
**CSTE-DTC-YP-CD-ES**  
**Yuma, AZ 85365**

For information or permits, please write to:



# YUMA PROVING GROUND HUNTING PROGRAM

## HUNTING SAFETY

1. Read all the information presented on this brochure and within the Arizona Hunting Regulations booklet. Obey all the procedures and restrictions. Most restrictions were developed to ensure your safety and the safety of others. YPG's primary concern is that your hunt is a safe one.
2. Hunter Safety: Hunting can be a dangerous sport. Poor judgment, improper training and recklessness can result in a tragedy. All hunters are encouraged to complete a hunter safety course. Consider the *Ten Commandments of Firearm Safety*:
  - **Treat every gun as if it were loaded.**
  - **Always control the muzzle.** Be able to control the direction of the muzzle, even if you should stumble.
  - **Be sure the barrel and action are clear of obstructions** and that you have only ammunition of the proper size for the gun you are carrying.

- **Be sure of your target before you pull the trigger;** know identifying features of the game you are hunting.
- **Unload guns when not in use.** Take down or have the action open; guns should be carried to and from the shooting areas in cases.
- **Never point a gun at anything you do not want to shoot.** Avoid all horseplay with firearms.
- **Never climb a fence or a tree or jump a ditch with a loaded gun.** Never pull a gun toward you by the muzzle.
- **Never shoot a bullet at flat, hard surfaces or water.** Know what lies beyond your target; at target practice, be sure your backstop is adequate.
- **Store guns and ammunition separately,** beyond the reach of children and careless adults.
- **Avoid alcoholic beverages and mood altering drugs** (prescription or otherwise) before and during shooting.

3. Environmental Safety: The desert can be a dangerous place. Exposure to climatic elements, rough and rugged terrain, hazardous plants, and wildlife await the unprepared. Desert dwellers can be dangerous to hunters. Most vegetation is armed with thorns or spines, some of which are sharp enough to penetrate boots and vehicle tires. Animals such as rattlesnakes, gila monsters, and scorpions can inflict venomous wounds. Rodents and other mammals can potentially be carriers of communicable diseases. Desert worthy, appropriate gear, communications equipment, and contingency plans are all essential for hunting in the desert.
4. Mission Safety: YPG is a dangerous place. Rockets, artillery, mines, bombs, lasers, and explosives are tested here. When ranges are not actively firing, the danger from unexploded ordnance remains. YPG's hunting areas were selected on the basis of distance from active ranges and reduced risk from surface ordnance contamination. However,

- the possibility of encountering unexploded ordnance exists for all lands on YPG, including approved hunting areas. Please remain vigilant and avoid ordnance.
5. Range Clearances: **Always obtain a range clearance before entering hunting areas.** A clearance number will be issued to keep track of your individual location. This assures your safety by precluding conflicts with military users of the same area, and is the primary means that YPG has to respond to emergency situations. Once you have obtained a clearance always identify yourself by your issued clearance number. Always cancel your clearance when you leave the installation.
  6. Provide assistance to hunters in need. Be courteous in your conduct with others.
  7. Report hazards and violations to the YPG Police Desk, at Building 701, or telephone (520) 328-2346 or 328-2720. For emergencies, call 911; the proper authorities will be notified.



## HUNTING PROGRAM

# YUMA PROVING GROUND HUNTING PROGRAM

## PROCEDURES

Hunters are required to obtain range clearance prior to entering hunting areas. Range clearance is obtained from Range Control. East Arm: 520-328-3333 and 520-328-2047 for all other areas. If you are calling after working hours the call will be transferred automatically to the Police Desk where you may also obtain range clearance. Clearances are valid only for the dates and areas they are issued. If you change areas, you must cancel your current clearance and obtain a new one. If you intend to remain overnight, please indicate this when you obtain your range clearance. You are required to call in daily to receive your clearance when staying overnight.

Upon leaving the installation, you must contact Range Control to cancel your range clearance. Failure to cancel your range clearance may result in an unnecessary rescue attempt and the loss of future hunting privileges on YPG.

Obtain a YPG Hunting Permit from the Hunting Program Office in Building 2105A on YPG (located north of building 2105 in the Mobility Test Area). This may be done in person or through the mail. A signed application and liability release form must be submitted for each permit. Applications will be provided by the Hunting Program Office.

However, there are two exceptions: Arizona Pioneer License holders may receive a free permit. Also, small game hunters under the age of 18 years are not required to pay the fee. Big game hunters under 14 must pay the \$10 and show proof of completion of AZ hunter education or comparable course (ARS 17-335). Cash, checks, and money orders are acceptable payment (sorry, no credit cards). All YPG are authorized to all YPG hunting permit holders. All other rules apply only in the designated hunting areas (see map on reverse). Hunters possessing a valid desert bighorn sheep permit from Arizona should contact YPG if they de-

## RULES AND REGULATIONS

YPG allows hunting, on limited portions of the installation, within the following guidelines. Failure to comply with any of these procedures and rules may result in loss of hunting privileges on YPG, possible citation, and/or prosecution. All State of Arizona and Federal wildlife laws apply to hunting and taking of game on YPG. You must have the same licenses, tags, permits, and/or stamps in that would be required on all other lands in Arizona.

2. Additionally, all hunters and their guests must possess a current YPG Hunting Permit. Each person in the party must have a permit, regardless of whether they are actually hunting. The permits are issued annually and are valid from the start of early dove season (1 September) to the last day of quail season (12 February).

3. Hunting for deer, small game, and migratory birds (e.g. doves) is allowed only in the designated hunting areas (see map on reverse). Hunters possessing a valid desert bighorn sheep permit from Arizona should contact YPG if they de-

1. All State of Arizona and Federal wildlife laws apply to hunting and taking of game on YPG. You must have the same licenses, tags, permits, and/or stamps in that would be required on all other lands in Arizona.

5. Camping is authorized, in conjunction with hunting, provided that an overnight clearance is obtained beforehand. Campsites will be returned to a natural condition; all trash and refuse will be hauled out (on-site burial or trash is prohibited). Dead and down wood only may be used for campfires on-site although use of carried-in fuel supplies is encouraged. Crossbows are not authorized for hunts on YPG lands.

6. Scouting trips to hunting areas on YPG are authorized to all YPG hunting permit holders. All other rules apply only in the designated hunting areas (see map on reverse). Hunters possessing a valid desert bighorn sheep permit from Arizona should contact YPG if they de-

# YUMA PROVING GROUND HUNTING AREAS

## DESIGNATED HUNTING AREAS

**CIBOLA HUNTING AREA:** the area enclosed to the south by Cibola Lake Road and to the east, north, and west by the installation boundary. Check with range control daily for any possible drop tests if hunting on or near the La Posa Drop Zone, located on the La Posa Plain. Temporary roadblocks may occur on Cibola Lake Road for mission safety or security reasons.

**ARRASTRA HUNTING AREA:** the area enclosed to the east and north by the west fork of Yuma Wash and to the south and west by the installation boundary. **East Yuma Wash is closed.**

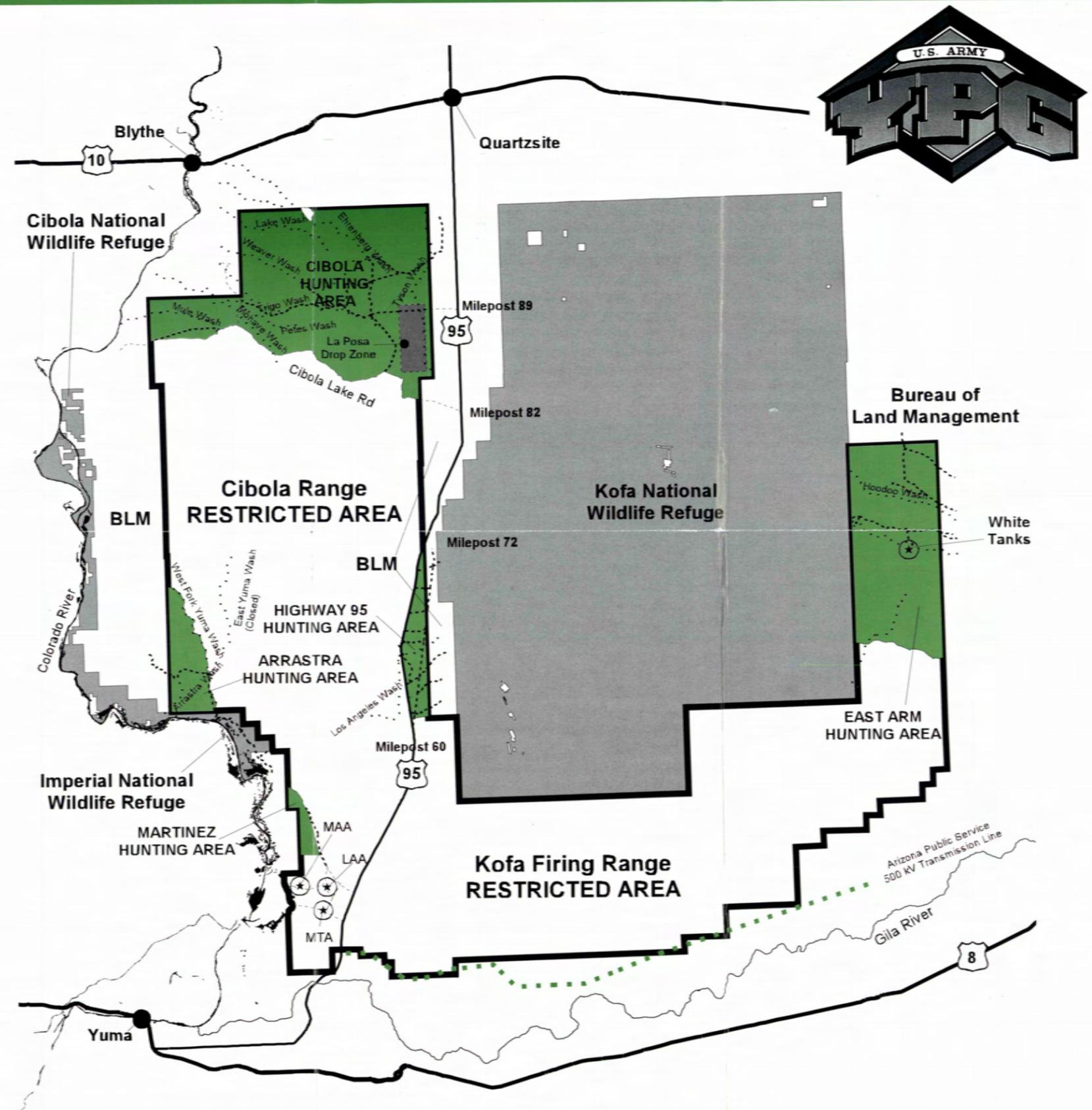
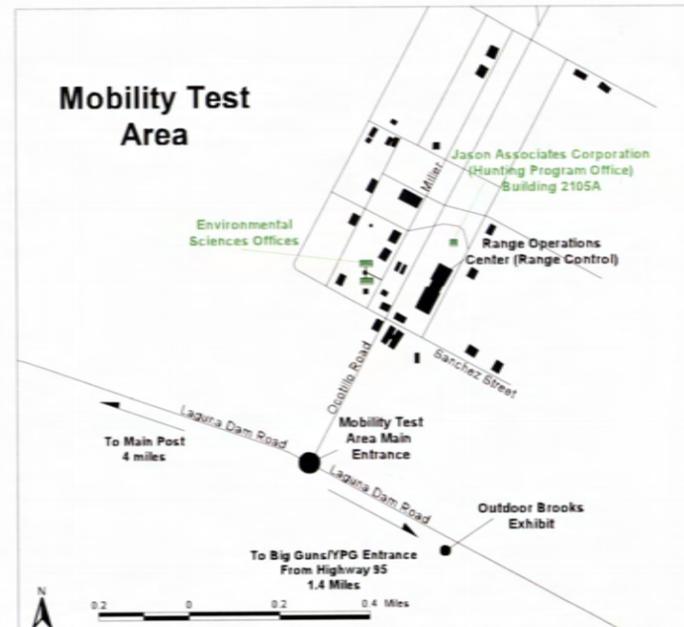
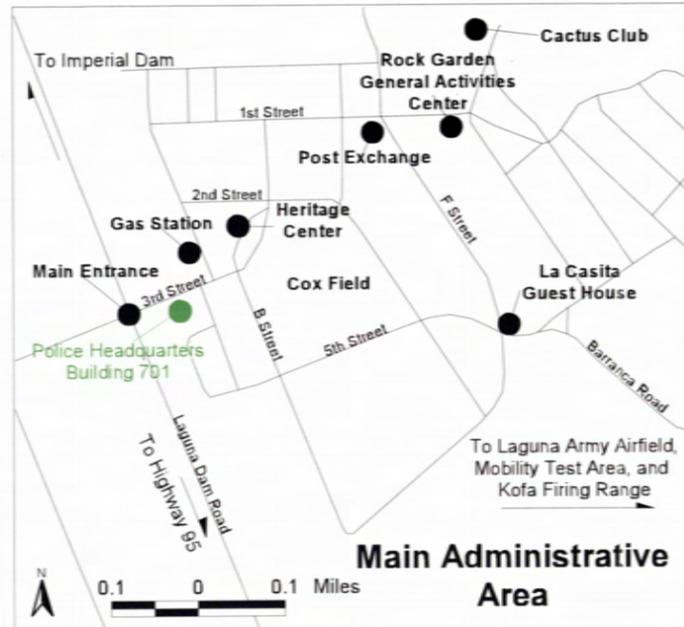
**MARTINEZ HUNTING AREA:** the area enclosed to the north and east by Martinez Lake Road, to the west by the installation boundary, and to the south by line of sight perpendicular from the south end of YPG's Phillips Drop Zone (or look for parachutist road sign). **No vehicle access is allowed;** park along Martinez Lake Road and walk to hunting sites.

**HIGHWAY 95 HUNTING AREA:** the area enclosed to the north (milepost 72) and west by Highway 95, to the east by the installation boundary, and to the south by the main channel of Los Angeles Wash which crosses Highway 95 at or near milepost 60.

**EAST ARM HUNTING AREA:** the area enclosed to the east, north, and west by the installation boundary, and to the south by the road traversing the east arm between the Tank Mountains and Palomas Mountains. **Camping within 1/4 mile of the White Tanks water hole is prohibited.**

**OTHER:** Hunting is permitted on the installation **south** of the Arizona Public Service Transmission Line wherever it crosses the southern boundary of the installation.

\*If any of these locations are unclear, please contact the Hunting Program Office at 1-877-788-HUNT. The use of USGS topographic maps is highly recommended.



## *Particulate Matter Emissions Factors for Dust from Unique Military Activities*

### **Background:**

Dust emitted during Department of Defense (DoD) testing and training activities, such as fixed- and rotary-wing aircraft landing and take-off, tracked vehicle activity, and artillery back-blast, threatens the respiratory health of military personnel and urban populations adjacent to military installations. New regulations protecting visibility at Class I national parks, forests, and wilderness areas mandate reductions in particulate matter (PM) emissions. Demonstration of the impact of dust-raising activities on air quality and visibility requires knowledge of the emission potential, as characterized by emission factors of known precision and accuracy, to quantify these contributions to observed regional levels. Characterization of the chemistry, size distribution, and optical properties of the emissions are important for evaluating source apportionment, PM toxicity, and regional visibility degradation. By accurately characterizing and quantifying dust emissions from these unique sources, resources can be targeted to reduce contributions more effectively.

### **Objective:**

The objective of this project is to develop PM emission factors for military-unique activities in support of a documented database and dust dispersion model that can be used to estimate DoD impacts to air quality.

### **Process/Technology Description:**

Field measurement campaigns will be carried out to quantify dust emissions and to develop PM<sub>10</sub> and PM<sub>2.5</sub> emission factors for tracked military vehicles, rotary-winged aircraft, and artillery pieces for various unpaved surfaces. These campaigns will extend the understanding of important vehicle, activity, and surface characteristics that influence the magnitude of the observed emissions as well as support remote-sensing measurement campaigns being conducted by SERDP project [CP-1400](#). Measured emission factors will be linked with indices of surface dust emission potential using a new portable wind tunnel and an on-vehicle measurement system, thereby creating a cost-effective mechanism to extend the use of the emission factors into different environments. A database will be developed from the field and laboratory measurements to characterize the chemical, physical, and optical properties of the dust emissions, which are important for assessing source contribution estimates and impacts on regional visibility degradation. This project will further develop a Geographic Information System

(GIS)-based dust dispersion modeling system that integrates the newly developed emission factors into its user interface.



**Dust Emissions from a Tank Maneuver Activity**

### **Expected Benefits:**

This project will create a measurement framework and a modeling strategy to assess the contribution of various training activities in different environments to local and regional PM levels and to evaluate their potential to degrade visibility. The emission factor database can be used to estimate contributions of PM from unique DoD sources to regional PM levels, predict near-field PM concentrations from which decisions can be made regarding troop exposure to PM levels, and estimate short-range visibility levels that can affect vehicle and troop movement and safety. Development of the DUSTRAN model will enable estimates of local area emissions and the changes in emissions resulting from various activities and any mitigation efforts. The information, methods, and modeling products will be disseminated to the military and civilian user community to improve their abilities to make informed decisions and develop cost-effective solutions for enhancing military preparedness. (Anticipated Project Completion - 2009)

### **Contact Information:**

Dr. John A. Gillies  
Desert Research Institute  
Division of Atmospheric Sciences  
2215 Raggio Parkway  
Reno, NV 89512  
Phone: (775) 674-7035  
Fax: (775) 674-7060  
E-mail: [jackg@dri.edu](mailto:jackg@dri.edu)

## Development of Emission Factors for Dust Generated by Unique Military Activities

### Background:

Particulate matter (PM) emissions from Department of Defense (DoD) training and testing activities are a top priority for DoD air quality compliance. PM generation activities include troop, vehicle, and aircraft movement; smoke and obscurant use; prescribed burning; and open burning/open denotation (OB/OD). New regulations require more stringent monitoring and control of PM<sub>2.5</sub> and PM<sub>10</sub> due to the potential human health risks and impaired visibility in the surrounding environment. PM in the atmosphere is used to track or fingerprint the sources of the material. With models, the particles' size distribution and composition can be used to describe the type of sources that emitted the particles. The emissions of PM by the DoD need to be quantified by developing mass emission factors for these activities, which can be readily used to create emission inventories and integrated as source-term components of dispersion models. Methods to quantify these emission factors need to be developed to allow for real time, in-situ, continuous, simple, and economical measurement and modeling of the plumes generated by the sources.

### Objective:

The objectives of this project are to: (1) measure mass PM to determine PM emission factors from DoD's PM generation sources; (2) develop and modify instrumentation, methods, and systems for the PM emission factor measurement, and (3) develop model components in coordination with SERDP project [CP-1399](#).

### Process/Technology Description:

Researchers will identify, characterize, and monitor airborne PM<sub>2.5</sub> and PM<sub>10</sub> emissions during tracked vehicle maneuvers, fixed- and rotary-wing aircraft landings and taking-offs, and back blasts from artillery and mortar pieces. Innovative instrumentation that can be used successfully in the field to characterize ambient PM will be integrated and operated concurrently to quantify mass emission factors with real time, in-situ, and continuous measurements. The methods also need to be simple and economical for use with future applications. Open Path (OP) Fourier Transform Infrared (FTIR) and OP Ultraviolet-Visible (UV-VIS) spectrometers, LIDAR, and Aerodynamic Particle Sizers (APS) will be used as a complete set of in-situ and rapid response measurements to characterize the generation and removal of airborne PM caused by military operations. The variability and uncertainty of these emissions will be quantified. Electrostatic low-pressure impaction, aerosol filters, and ion chromatography also will be used to calibrate

the in-situ measurements for site-specific conditions (i.e., optical, physical, and chemical properties of the PM). These results will be used to determine the mass of PM emitted from selected military operations depending on the type of source/activity, soil type, and meteorology. These mass emissions will be related to source operation and location to provide mass emission factors. Databases will be developed during this project and made available to installation personnel for site-specific applications.



Helicopter-Generated Swirling Dust Clouds

### Expected Benefits:

Through this project, DoD will have the capability to measure PM emission factors using real time, in-situ, continuous, simple and economical methods with an emphasis on remote sensing techniques. Results will be readily available to develop emission inventories for facilities and to develop more effective environmental compliance and PM control strategies. Benefactors include the U.S. Army, U.S. Air Force, National Park Service, U.S. Environmental Protection Agency, National Aeronautics and Space Administration, and private industries. In addition to cost savings, the PM data management and storage will be simpler than conventional measurement technologies. (Anticipated Project Completion - FY 2008)

### Contact Information:

Dr. Byung J. Kim  
U.S. Army Engineer Research and Development Center  
Construction Engineering Research Laboratory  
2902 Newmark Drive  
Champaign, IL 61826-9005  
Phone: (217) 373-3481  
Fax: (217) 373-3430  
E-mail: [Byung.J.Kim@erdc.usace.army.mil](mailto:Byung.J.Kim@erdc.usace.army.mil)



**YUMA COUNTY WATER USERS' ASSOCIATION**

MAILING ADDRESS:  
POST OFFICE BOX 5775  
YUMA, ARIZONA 85366-5775  
OFFICE: (928) 627-8824

SHIPPING ADDRESS:  
3800 WEST COUNTY 15TH STREET  
SOMERTON, ARIZONA 85350  
FAX: (928) 627-3065

EMAIL ADDRESS:  
OFFICE@YCWUA.ORG

November 18, 2003

*cc: [unclear]  
[unclear]  
[unclear]*

03 NOV 21 AM 10:44  
ADEC  
AIR QUALITY DIVISION

Ms. Theresa A. Pella  
Environmental Program Manager  
Air Quality Planning Section  
Arizona Department of Environmental Quality  
1110 West Washington Street  
Phoenix, AZ 85007

Subject: PM-10 Meeting in Yuma on November 17, 2003

Dear Ms. Pella:

As you requested in the subject meeting regarding dust on the East Main Canal and the prevention of unauthorized use of the canal roadways, provided herewith is a copy of the original encroachment license (#001-95-002) issued to the City of Yuma which while providing access to the canal for a bike path and linear park, also provided for the patrolling by the City to prevent unauthorized use on both sides of all canals and drains on which such use is allowed.

Note particularly paragraph 9 of Attachment 1 to the license (also listed as Exhibit A to the City of Yuma Council Resolution Number R95-062). Further enclosed is the Association letter to the City of Yuma, dated May 29, 1997, specifically providing an amendment to the encroachment license for the East Main Canal Multi-Use Path from City 8<sup>th</sup> Street to City 21<sup>st</sup> Street.

Regarding the other area which was discussed at a previous meeting, the West Main Canal west of Avenue C, the canal banks are signed denoting no unauthorized use and the north side of the canal is barricaded. It is not feasible operationally to barricade both sides of the canal.

If you have any questions on the above, please ask.

Sincerely,

*[Handwritten Signature]*  
Donald R. Pope, P.E.  
Manager

cc: Mr. Greg Ferguson  
SW Arizona Community Liaison, Southern Regional Office  
Arizona Department of Environmental Quality  
155 West 14<sup>th</sup> Street, Suite A  
Yuma, AZ 85364



## YUMA COUNTY WATER USERS' ASSOCIATION

MAILING ADDRESS:  
POST OFFICE BOX 5775  
YUMA, ARIZONA 85366-5775  
OFFICE: (520) 627-8824

SHIPPING ADDRESS:  
3800 WEST COUNTY 15TH STREET  
SOMERTON, ARIZONA 85350  
FAX: (520) 627-3065

May 29, 1997

Ms. Joyce Wilson, City Administrator  
City of Yuma  
180 West First Street  
Yuma, AZ 85364

Attn: Mr. Todd Girdler

Subject: Amendment to Yuma County Water Users' Association (Association), Valley Division, Yuma Project, Encroachment License No. 001-95-002 to City of Yuma (City) for City of Yuma Linear Parks and/or Pathways, Phase 1 of the East Main Canal Multi-Use Path from City 8<sup>th</sup> Street to the Maxey Check at About City 21<sup>st</sup> Street

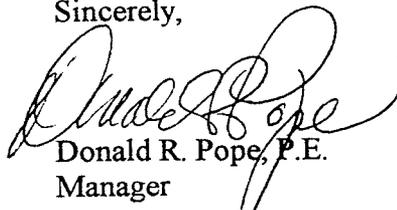
Dear Ms. Wilson:

The subject license was executed by the City on December 18, 1995, approved by the Association on January 2, 1996 and additionally approved by the United States Bureau of Reclamation (USBR) by their letter of October 17, 1996 (copy attached). Paragraph 14.a.(3) of the license required that specific approval by the Association be given to the final construction plans and specifications for each phase of work.

As the construction plans and specifications for Phase 1 of the East Main Canal Multi-Use Path from City 8<sup>th</sup> Street to the Maxey Check at About City 21<sup>st</sup> Street are as presented in the Design Concept Report conceptually approved by the Association and the USBR, approval of these final construction plans, Sheets 1 through 58 bearing a final approval date of February 27, 1997 by the Arizona Department of Transportation (ADOT), is provided herein.

By copy of this letter amendment, a copy of the final construction plans are provided the USBR for their records. We look forward to working closely with you and with ADOT and your contractor in making the East Main Canal Multi-Use Path and Linear Park a real asset to the community.

Sincerely,

  
Donald R. Pope, P.E.  
Manager

Enclosures (as)

cc: Area Manager, Yuma Area Office, USBR



United States Department of the Interior

BUREAU OF RECLAMATION

Yuma Area Office  
P.O. Box D  
Yuma, Arizona 85366

RECEIVED

IN REPLY REFER TO:  
YAO-2230  
LND-6.00

OCT 17 1996

OCT 18 1996

Mr. Donald R. Pope  
Manager  
Yuma County Water Users'  
Association  
P.O. Box 5775  
Yuma AZ 85366

YUMA COUNTY  
WATER USERS' ASSN.

Subject: Yuma County Water Users' Association Encroachment  
License No. 001-95-002 - City of Yuma (City) Multi-Use  
Pathway Project on the East Main Canal - Yuma Project,  
Valley Division, Arizona

Dear Mr. Pope:

This is in reference to your letter of January 2, 1996, which transmitted the subject license to this office for our review and approval. We understand that the license allows the City to construct, operate and maintain a multi-use pathway along the East Main Canal rights-of-way from First Street to 40th Street.

Based on our review of the documentation submitted, we have no objection to the issuance of the license for the stated purpose. If we can be of further assistance, please contact Ms. Mary Zavala of our Lands Office at 520-343-8152.

Sincerely,

*Russell W. Reichelt (Acting)*

Russell W. Reichelt  
Chief, Technical Services  
Division

LICENSE NO. 001-95-002

YUMA COUNTY WATER USERS' ASSOCIATION  
P.O. BOX 5775  
YUMA, AZ 85366-5775

LICENSE FOR ENCROACHMENTS AND CONSTRUCTION, INSTALLATION,  
OPERATION AND MAINTENANCE OF FACILITIES

LICENSEE: CITY OF YUMA, ARIZONA

SERIAL NO(S): N/A

DIVISION: N/A

LOCATION: WITHIN YCWUA CANAL AND DRAIN RIGHTS-OF-WAYS

1. Authority. Pursuant to the provisions of United States Department of the Interior, Bureau of Reclamation, Public Notice No. 77 dated February 12, 1960 (entitled "Public Notice Announcing Procedures for Processing Water Right Applications and Certain Other Contracts"), the Yuma County Water Users' Association (Licensor) licenses the above named Licensee to construct, install, operate and maintain facilities encroaching upon rights-of-way of the United States forming a part of the Valley Division of the Yuma Project, a reclamation project constructed under the laws of the United States.

2. Description of Encroachment. The encroachment shall be constructed and operated only under the terms and conditions of this license and is specifically described as follows:

**CITY OF YUMA LINEAR PARKS AND/OR PATHWAYS**

3. Nature of Right Conferred: Rights of Licensor.

a. The encroachment and consent to construct contained in this license relate only to the rights of the Licensor by virtue of its contractual relationship with the United States Department of Interior, Bureau of Reclamation (USBR) for the maintenance and operation of Federal facilities constituting the Valley Division of the Yuma Project. The lands to which this license pertains are not owned by the Licensor. Nothing in this license constitutes a representation by the Licensor of any authority to grant a right-of-way across any property owned or controlled by any person other than the Licensor.

b. Any right granted to the Licensee hereunder shall be inferior to the right of the Licensor to operate and maintain project irrigation facilities and to reconstruct, repair or improve

any works within said rights-of-way without the consent of the Licensee and without liability for damages caused by any non-negligent act of the Licensor to any facilities or property owned or controlled by the Licensee.

c. Except in the case of emergencies, and when deemed appropriate by the Licensor, the Licensor will provide the Licensee with notice of its intent to construct, repair or improve any works within the portion of the right-of-way wherein the Licensee is encroaching. Notwithstanding the foregoing sentence, the Licensor shall give the Licensee prior notice of its intention to perform any work which will require the closing of a public thoroughfare under the Licensee's jurisdiction, or the interruption of utility services operated or controlled by the Licensee.

d. Notification may be either written or oral and shall be given by the Licensor as soon as practicable. The failure of the Licensor to give the Licensee notice in any case shall not subject the Licensor to any liability whatsoever.

4. Administrative Fee. Upon submission of this license to the Licensor, the Licensee agrees to pay the Licensor an administrative fee in the amount of \$250.00. Of this amount, \$200.00 is non-refundable and shall be retained by the Licensor as compensation for costs incurred in processing and administering this license. The remaining \$50.00 shall be paid to the USBR as compensation for their costs incurred pursuant to Paragraph 9. In the event this license is not forwarded to the USBR for approval, the \$50.00 shall be refunded to the Licensee.

5. Assignments and Sublicenses.

a. The Licensee may not, without the prior written consent of the Licensor, assign or otherwise transfer any right created by this license. The Licensee shall not authorize or permit others to utilize any facilities or structures or right-of-way area which are the subject matter of this license in any way not expressly authorized by this license in writing or by the Licensor.

b. Any violation of this paragraph shall, at the option of the Licensor, constitute grounds for immediate termination of the license without further notice. Upon an election to terminate, any facilities constructed by the Licensee shall be removed in the manner provided in paragraph 11 of this license.

c. Nothing in this paragraph prohibits the Licensee from utilizing the services of a person or entity not a party to this License for the purpose of constructing the encroachment herein contemplated.

6. Licensee's Liability. The Licensee shall be liable for all damages to the property of the United States, the Licensor, or any third party or parties caused by reason of the exercise of the Licensee of any right conferred by this license.

7. Hold Harmless Agreement. To the maximum extent permitted by law, the Licensee agrees to hold forever harmless, indemnify and defend the Licensor and the United States Government, together with all of their respective officers, employees, successors and assigns from any and all claims related to or any way connected with the construction, operation or maintenance of the facilities described in this license. The Licensee's obligation hereunder includes, but is not limited to, the obligation to pay the Licensor attorney fees and costs incurred in connection with any claim without regard to whether such claim results in litigation.

8. Duration of License. This license shall continue in effect so long as the Licensor determines, in its sole discretion, that the same is expedient and is not detrimental or incompatible with the proper care, operation and maintenance of the Valley Division and its works.

9. Additional Approval.

a. This license and consent to encroachment are subject to the approval of:

Area Manager, Yuma Area Office  
United States Bureau of Reclamation  
P.O. Box D  
Yuma, AZ 85366

and the Licensee shall take no action nor commence any activities hereunder until such consent is approved as provided in this paragraph.

b. A copy of this license with all attachments shall be mailed by the Licensor to the Area Manager at the above address on the next working day after the date it is fully executed by the Licensee and the Licensor. The license shall be deemed approved by the Area Manager unless the same is disapproved in writing (with a copy to the Licensor) within twenty (20) working days after the date it is fully executed.

10. Notification of Commencement of Work. The Licensee agrees to provide the Licensor with two (2) working days notification prior to the actual encroachment and commencement of work. Failure to provide said notification can be sufficient cause to terminate this license and require the removal of facilities in the manner provided in Paragraph 11 of this license.

11. Termination.

a. This license and consent to encroach are subject to termination by the Licensor or the United States on thirty (30) days notice all as provided in Public Notice No. 77. The Licensor agrees, however, that, except in the case of emergencies or in cases where the Licensor is requested or directed by the United States to exercise the aforesaid termination provision, this license shall not be terminated on less than six (6) months prior written notice to the Licensee.

b. In the event this license is terminated, the Licensee agrees to remove all encroachments constructed hereunder within one hundred eighty (180) days after the date of the notice of termination and agrees to return the rights-of-way affected by this license to their original condition (or in a condition acceptable to the Licensor) at its sole expense and at no expense to the Licensor or the United States.

c. If the Licensee fails to remove its encroaching facilities as provided above, the Licensor may, without liability for damages to the Licensee, remove such facilities without further notice. The Licensee agrees to pay the Licensor the reasonable cost of the removal of its facilities and the cost of restoring the rights-of-way to their original condition. Payment shall be made by the Licensee to the Licensor within thirty (30) days after the receipt of a statement of costs from the Licensor.

12. Consent to Encroachment: Extent of Consent.

a. The Licensor, for itself and on behalf of the United States, consents to the Licensee's encroachment upon Federal rights-of-way as described in this license and its attachments.

b. Nothing in this license constitutes a grant or other disposition of any land or interest in land which is owned or otherwise occupied by the United States. The Licensee shall not authorize or permit encroachment of any kind by persons not parties to this license or permit the planting of trees upon the encroachment area or otherwise utilize the encroachment area in any manner which may, in the opinion of the Licensor, endanger or interfere with the proper use and operation of any works or property of the United States or the Licensor.

c. Any violation of this paragraph shall constitute grounds for immediate termination of this license without further notice. Upon such termination, all encroaching facilities constructed hereunder shall be removed in the manner provided in paragraph 11 of this license.

13. Plans and Specifications: Construction. All structures constructed under this license shall be erected in accordance with plans and specifications approved in advance by the Licensor as herein provided and shall be erected in such a manner as not to obstruct in any manner the flow of water in the canals, laterals or drain ditches of the United States or the Licensor or to interfere in any manner whatsoever with the construction, operation and maintenance of any part of the project by the Licensor or the United States.

14. Specifications and Conditions.

a. The encroachment and the erection of structures of facilities under the terms of this license shall be in accordance with the plans, specifications and conditions described below:

- 1) "GENERAL CONDITIONS AND SPECIFICATIONS FOR CITY OF YUMA," PROVIDED HEREWITH AS ATTACHMENT 1 , PROVIDES THE GENERAL TERMS AND CONDITIONS FOR THIS AND SUBSEQUENT PHASES OF LINEAR PARKS AND/OR PATHWAYS.
- 2) CONCEPTUAL APPROVAL IS PROVIDED FOR THE "FEASIBILITY STUDY AND DESIGN CONCEPT REPORT FOR THE EAST MAIN CANAL MULTI-USE PATH, 1ST STREET TO 40TH STREET," PROVIDED HEREWITH AS ATTACHMENT 2.
- 3) SPECIFIC APPROVAL FOR EACH PHASE OF WORK ON THE EAST MAIN CANAL MULTI-USE PATH AND FOR OTHER LOCATIONS OF LINEAR PARKS AND/OR PATHWAYS LISTED IN PARAGRAPH 2 OF ATTACHMENT A SHALL BE PROVIDED AS AMENDMENTS TO THIS LICENSE UPON SUBMISSION AND APPROVAL OF FINAL CONSTRUCTION PLANS AND SPECIFICATIONS. CONSTRUCTION SHALL OCCUR ONLY AFTER SAID APPROVAL(S).

All of the foregoing plans, specifications and conditions are made a part of this license and are subject to the prior approval of the Licensor.

b. Any proposed variation in construction or operation of encroaching facilities from approved plans and specifications must be approved in writing by the Licensor and the Licensee before construction or operation. If any proposed variation is, in the opinion of the Licensor, substantial in nature, the same must also be approved by the USBR in the manner provided in Paragraph 9.

15. Increased Operation and Maintenance Expenses.

a. If the construction and placement of facilities by the Licensee under the terms of this license increases the costs to the Licensor, or its successors, of operation and maintenance functions on the right-of-way herein described, it is agreed that the amount of any such increase shall be paid by the Licensee.

b. Payments under the terms of this paragraph shall be made monthly, or at such other time or times as the Licensor may elect, and shall be made on the basis of statements furnished by the Licensor to the Licensee describing with reasonable particularity the nature and extent of all charges claimed.

c. The amount of any increased operation and maintenance charges payable by the Licensee under this paragraph shall be determined by the Licensor. Any dispute between the Licensor and the Licensee as to the appropriateness or amount of any increased operations and maintenance charge claimed by the Licensor shall be resolved by the Area Manager, Yuma Area

Office, USBR. The determination of the Area Manager shall be conclusive upon both parties, unless either party determines to bring a cause of action to resolve the dispute.

16. Attorney Fees. If either party commences a legal action to enforce any term or condition of this license, it is understood and agreed that the prevailing party in any such litigation shall be entitled to recover a reasonable sum as and for attorney fees, said sum to be fixed by the Court. The provisions of this paragraph are supplemental to the provisions of Paragraph 7.

17. Covenant Against Contingent Fees.

a. The Licensee warrants that no person or agency has been employed or retained to solicit or secure this license upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial agencies maintained by the Licensee for the purpose of securing business.

b. Any breach of the provisions of this paragraph shall, at the option of the Licensor, constitute grounds to terminate this license without further notice and without liability for damages of any type.

c. In the event of a termination under the provisions of this paragraph, the Licensee agrees to remove all encroaching facilities in the manner provided in Paragraph 11 of this license.

Dated: 12/18/95

**ATTEST:**  
Carrie L. Lane  
City Clerk

Licensee:

By Jayne G. Trulise  
Its City Administrator

Representing:  
City of Yuma  
180 W. First Street  
Yuma, AZ 85364

(Address)

(Licensee sign 3 copies)

Dated: 1/2/96

Approved: [Signature]  
By [Signature]  
Manager, YUMA COUNTY WATER  
USERS' ASSOCIATION

Copy to: Area Manager  
Yuma Area Office  
United States Bureau of Reclamation  
P.O. Box D  
Yuma, AZ 85366

ATTACHMENT 1 OF YUMA COUNTY WATER USERS ASSOCIATION ENCROACHMENT LICENSE  
NUMBER 001-95-002

General Conditions and Specifications for  
City of Yuma

1. DESIGN CRITERIA AND APPROVAL

The Association shall approve the design and construction plans for any linear park and/or pathway project prior to the City distributing a request for construction bids for such projects. The encroachment license issued for any project will incorporate by reference the design and construction plans approved by the Association.

In general, the design and construction of linear parks and/or pathways shall recognize the need for the Association to operate and maintain canals or drains through the use of motorized vehicles and equipment.

The City will only install (via City Staff or by contract) landscaping that has been reviewed and approved by the Association and contained within the City Maintenance Area specified in the plans and encroachment license for each linear park/pathway project.

The City shall provide all coordination, including blue stake requirements, with all utilities and other encroachment licensees for both design and construction of City linear parks and/or pathways.

2. LOCATIONS OF LINEAR PARKS AND/OR PATHWAYS

In general, linear parks and/or pathways shall be located on the side of any canal or drain that is less traveled and less used for operation and maintenance purposes by the Association.

Accordingly, linear parks and/or pathways shall be located on the east side of the East Main Canal (1st to 40th Street), the Maxey Check Structure, the south side of the West Main Canal (Yuma Main Canal to Thacker Canal), the east side of the Thacker Canal (West Main Canal to 24th Street), either side of the Yuma Main Canal (1st Street to the Colorado River and/or to a connection with the planned Colorado River Multi-Use Pathway on the levee road), within the right-of-way for the buried Maxey Canal (East Main Canal to Avenue B), and either or both sides of the Central Drain and Stubs (between 16th and 24th Streets, and between Avenues B and D). These are to be the locations of these linear parks/pathways whenever this can be done while meeting City Standards for pathway and/or linear park design. These locations are subject to future expansion as land adjacent to project rights-of-ways change from agricultural to urban uses.

Notwithstanding the above, the location of each linear park and/or

pathway project shall be specified in separate construction plans for each linear park/pathway project which are produced by the City and then reviewed and approved by the Association.

As the final construction plans for the linear park/pathway projects named in this encroachment license are completed by the City and approved by the Association they are considered to become part of this encroachment license by reference.

It is recognized that it is the City's intent to build large linear park/pathway projects in phases to match available funding and each phase of these large projects may be considered to be a separate project for the purpose of completing final construction plans and having such plans approved by the Association. The decision of whether a large project that is planned to be constructed in phases will also have its final design work completed in phases will be made by the City.

### 3. ASSOCIATION MAINTENANCE

The Association's operation and maintenance of its canals and drains shall have priority over any other uses.

The Association's Manager, or Representative, shall notify the City Public Works Department at least 48 hours in advance of any Association scheduled maintenance operation or improvement that will block any point along a linear park and/or pathway for more than three hours except in case of an emergency or urgent unscheduled work.

The Association shall be solely responsible for the operation and maintenance of canals and drains (to include repairs to the inside slopes after a storm), canal and drain structures, gates and valves, all appurtenances thereto and aquatic and terrestrial vegetation control on the inside slopes of canals and drains.

### 4. THIRD PARTY CONSTRUCTION AND MAINTENANCE

Third party construction and maintenance on canal and drainage rights-of-ways by Yuma County, Yuma County Flood Control District, all utilities, ADOT, schools, private contractors/developers and others shall require the third party to provide coordination with the City of Yuma in areas where existing linear parks and/or pathways are affected. Such coordination should occur in a timely manner and with no less than 30 days prior notice, and advisement of such coordination shall be provided to the Association. Notice of commencement of work shall be given by a third party to the City of Yuma with five working days notice prior to actual construction and/or disruption of City facilities.

This requirement for third party coordination and advisement shall in no manner hinder projects deemed by the Association as necessary or beneficial to the operations and maintenance of the project canals and drains and/or to the well being of the Association landowners. Accordingly, final approval of such projects rests solely with the Association. It is

the intent herein to establish that construction and maintenance by third parties shall include the restoration of City facilities, as well as Association facilities, to a condition equal to their original condition, such restoration to be accomplished in a timely manner, with no or minimal disruption of use of both Association and City facilities.

#### 5. CITY MAINTENANCE

The City shall be solely responsible for the maintenance and use of linear park and/or pathway related pavements, signs, drainage (to include necessary repairs after a storm), landscaping, lighting, or other recreational facilities installed along any canal or drain within a City Maintenance Area specified in the final construction plans approved for each project. Such Maintenance Area is intended to be that area physically occupied by the linear park and/or pathway project.

Within the approved Maintenance Area the City shall provide control of noxious weeds or brush by the timely use of herbicides, mowing, chopping or hoeing and provide rodent control. Any pesticide use shall be approved by the Association's Manager prior to application and shall be applied in accordance with its label.

The Association reserves the right to perform any maintenance necessary to protect the integrity of the canals and drains, to include providing on a reimbursable basis any maintenance requested by the City or not performed in a timely manner by the City, after having provided the City adequate notice.

#### 6. CITY ASSISTANCE FOR ASSOCIATION MAINTENANCE OPERATIONS

The City shall provide to the Association, at no charge to the Association, the use of three dump trucks and their operators (unless fewer are specified) for up to 10 normal working days per calendar year for a total of 30 dump truck days annually to assist the Association in the maintenance of drains and/or canals adjacent to any City linear parks and/or pathways. The City supplied dump trucks shall not be used in an unsafe manner or used to transport any material requiring special handling (e.g., hazardous, dangerous, special waste). The City supplied dump trucks shall not be used to transport materials outside the boundaries of the Association. The City will not be responsible for any tipping fees or other fees associated with the disposal and/or transportation of loads carried for the YCWUA. The Association shall request the use of these trucks at least 14 calendar days prior to the date required, except for emergencies.

In the event the specified maximum dump truck days has been provided, the Association may continue to perform necessary additional excavation and place such material in either additional trucks provided by the City, or along the canal/drainage rights-of-ways. Further, it is recognized that as additional canals and drains are utilized for linear parks and/or pathways, the quantity of dump truck assistance provided by the City will be negotiated.

## 7. REPAIR OF LINEAR PARK AND/OR PATHWAY FACILITIES

In the event the Association must repair or reconstruct any of its irrigation or drainage facilities and such construction work damages the City's linear park and/or pathway facilities, then it shall be the City's sole responsibility to repair such linear park and/or pathway facilities. The Association shall exercise reasonable care to avoid damage to the City's linear park and/or pathway facilities when the Association undertakes construction work.

## 8. HOLD HARMLESS AGREEMENT

To the maximum extent permitted by law, the City shall hold forever harmless, indemnify and defend the Association, together with all of the Association's officers, employees, successors and assigns from any and all claims resulting from the City's negligence in the design, construction, operation, maintenance or use of linear parks and/or pathways, and appurtenances thereto, as installed under an Association encroachment license issued to the City.

## 9. UNAUTHORIZED USE OF LINEAR PARKS AND/OR PATHWAYS

The City and the Association agree that it is not in the best interest of either party or the public that unauthorized motor vehicles are allowed to use any linear park and/or pathway or banks opposite to the same. Consequently, the City shall provide designs, devices and signs to limit the access of unauthorized motor vehicles onto any linear park and/or pathway. The details of access control shall be specified and approved as part of the final construction plans for each linear park and/or pathway project.

The City agrees to provide a program to include patrolling by the City Police Department to prevent unauthorized motorized vehicle use on both banks of the canals and drains which are adjacent to a City linear park and/or pathway.

The Association agrees to work in conjunction with the City to discourage canal and drain right-of-way access by unauthorized motor vehicles by the use of signage and other means.

## 10. CROSSING OF MAJOR STREETS BY ASSOCIATION EQUIPMENT

The City and the Association agree that it is in the best interests of both parties for Association motorized equipment to cross roadways in a safe and efficient manner. Both parties also recognize that such crossings must also be accomplished in a cost-effective manner that limits the disruption of vehicular traffic on major streets. Consequently, the City shall propose designs and/or devices to provide for such safe and efficient crossings by Association motorized vehicles. The details of road crossings shall be specified and approved as part of the final construction plans for each linear park and/or pathway project.

CITY OF YUMA  
PLANNING DIVISION



ATTACHMENT 2 OF  
YUMA COUNTY WATER USERS  
ENCROACHMENT  
LICENSE # 001-95-002

FEASIBILITY STUDY AND  
DESIGN CONCEPT REPORT  
for  
EAST MAIN CANAL  
MULTI-USE PATH

1st Street to 40th Street  
Yuma, Arizona  
CIP No.: 5.9515

Prepared for the City of Yuma by:

Harding Lawson Associates  
Infrastructure, Inc.  
ALPHA Engineering Group  
November 1995

