

ORDINANCE NUMBER 14-01

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA, PERTAINING TO THE NATIONAL FLOOD INSURANCE PROGRAM, ADOPTING BY REFERENCE REVISED FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAPS, AND FLOODPLAIN MANAGEMENT REGULATIONS; REPEALING CHAPTER 15 OF THE CITY CODE REGARDING FLOOD DAMAGE PREVENTION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES.

WHEREAS, pursuant to Ordinance 04-02, the Maricopa City Council adopted the City Code, including Chapter 15 related to Flood Damage Prevention, on June 1, 2004; and

WHEREAS, pursuant to Ordinance 05-15, the Maricopa City Council adopted the 1990 Flood Insurance Study and Flood Insurance Rate Maps and the 1982 Floodplain Management Regulations for Pinal County on December 20, 2005; and

WHEREAS, the City of Maricopa, Arizona joined the National Flood Insurance Program (NFIP) as a separate community on December 27, 2007; and,

WHEREAS, the City of Maricopa, under the National Flood Insurance Program is the entity responsible for floodplain administration within the City; and,

WHEREAS, the continued participation in the National Flood Insurance Program is in the best interest of the citizens of the City; and,

WHEREAS, the Federal Emergency Management Agency published an updated Flood Insurance Study and Flood Insurance Rate Maps titled “Pinal County, Arizona and Incorporated Areas” on December 4, 2007; and,

WHEREAS, each community that participates in the National Flood Insurance Program is required to adopt floodplain management regulations consistent with Federal and State criteria; and,

WHEREAS, the City of Maricopa has delegated the responsibility of floodplain management to the Pinal County Flood Control District as provided for in A.R.S. Section 48-3610; and,

WHEREAS, the Pinal County Flood Control District has adopted Floodplain Regulations that meet the requirements of the National Flood Insurance Program; and

WHEREAS, those certain documents entitled “Flood Insurance Study for Pinal County, Arizona and Incorporated Areas” and “Pinal County, Arizona and Incorporated Areas Flood

Insurance Rate Maps” dated December 4, 2007, and “Pinal County Floodplain Management Ordinance” dated August 16, 2006, and all subsequent amendments and/or revisions are hereby designated as public records.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA, AS FOLLOWS:

SECTION 1. The City of Maricopa continues to delegate the responsibility of floodplain management to the Pinal County Flood Control District as provided for in A.R.S. Section 48-3610. The City Engineer is designated as the National Flood Insurance Program Floodplain Administrator for the City and is responsible for coordinating with the Pinal County Flood Control District and will serve as the community point of contact on National Flood Insurance Program issues for County, State and Federal officials.

SECTION 2. Those public records entitled “Flood Insurance Study (FIS) for Pinal County, Arizona and Incorporated Areas” dated December 4, 2007 with accompanying Flood Insurance Rate Maps (FIRMs) dated December 4, 2007 and all subsequent amendments and/or revisions, three copies of which shall be kept on file in the office of the City Clerk, are hereby adopted by reference, as the basis for establishing the special flood hazard areas for floodplain management in the City of Maricopa. The special flood hazard areas documented in the Flood Insurance Study and Flood Insurance Rate Maps are the minimum area of applicability of the floodplain management regulations and may be supplemented by studies for other areas as allowed in the regulations.

SECTION 3. That public record designated as “Pinal County Floodplain Management Ordinance” dated August 16, 2006, and all subsequent amendments and/or revisions, three copies of which shall be kept on file in the office of the City Clerk, is hereby adopted as the legal basis for implementing floodplain management in this community.

SECTION 4. Chapter 15 of the Maricopa City Code regarding Flood Damage Prevention, and all amendment thereto, are hereby repealed in their entirety.

SECTION 5. All ordinances and parts of ordinances in conflict with this ordinance including, but not limited to, Ordinance 05-15 are hereby repealed.

SECTION 6. If any portion of this ordinance is determined by a court of competent jurisdiction to be invalid, all remaining portions of this ordinance shall remain in full force and effect.

SECTION 7. Violation; Penalties.

A. It is unlawful for a person to engage in any development or to divert, retard or obstruct the flows of waters in a watercourse if it creates a hazard to life or property without securing the written authorization required by A.R.S. § 48-3613. Where the watercourse is delineated floodplain, it is unlawful to engage in any development affecting the flows of waters without securing written authorization required by A.R.S. § 48-3613.

B. Any person found guilty of violating any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed two thousand five hundred dollars (\$2,500) or by imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as hereinabove described.

PASSED AND ADOPTED by the Mayor and Council of the City of Maricopa, Arizona, this 1st day of April, 2014.

APPROVED:

Christian Price
Mayor

ATTEST:

Vanessa Bueras, CMC
City Clerk

APPROVED AS TO FORM:

Denis Fitzgibbons
City Attorney