

ORDINANCE NUMBER 12-09

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA, ADOPTING "CHAPTER 7 BUILDING REGULATION" BY REFERENCE AS SECTIONS 7-1-1 THROUGH 7-1-13 OF THE MARICOPA CITY CODE AND REPEALING ARTICLE 7-1 OF THE MARICOPA CITY CODE AND PROVIDING FOR SEVERABILITY AND THE EFFECTIVE DATE THEREOF.

WHEREAS, that certain document known as the "Chapter 7 Building Regulation" was adopted as a public record by Resolution No. 12-73 on October 16, 2012;

WHEREAS, on June 1, 2004, the City of Maricopa adopted Chapter 7 Building Regulation as part of the City Code;

WHEREAS, the Mayor and City Council of the City of Maricopa believe, after consultation with its staff, that amending Chapter 7 by repealing Article 7-1 and adopting Sections 7-1-1 through 7-1-13 would be in the best interest of the City of Maricopa; and

WHEREAS, A.R.S. §9-802 allows a City to adopt a public record by Ordinance as a means to reduce publication costs while ensuring that the public gets fair notice and opportunity to review its operative provisions;

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

SECTION 1. Pursuant to Arizona Revised Statutes Section 9-802, that certain document known as "CHAPTER 7 BUILDING REGULATION" of the Maricopa City Code, three copies of which are on file in the office of the City Clerk of the City of Maricopa, Arizona, which document was made a public record by Resolution No. 12-73 of the City of Maricopa, Arizona, is hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance.

SECTION 2. Chapter 7 of the Maricopa City Code and all amendments thereto are hereby repealed in their entirety and replaced with Chapter 7 Building Regulation which was made public record by Resolution No. 12-73 of the City of Maricopa, Arizona.

SECTION 3. Any person, as defined in the Building Code, Section 202, who violates any provision of this chapter 7 shall be guilty of a Class One (1) misdemeanor, punishable as set forth in the City Code and state law. Each failure to obtain a required permit clearance, certification, review, approval or inspection shall constitute a separate violation.

SECTION 4. Any person, as defined in the Building Code, Section 202, or enterprise, as defined pursuant to Arizona Revised Statutes Section 13-105, who violates any provision of this chapter 7 shall be subject to a civil penalty, as an alternative method of enforcing

this chapter. No person shall be subject to a criminal penalty for a violation enforced under the civil penalty provisions of this section.

The amount of the civil penalty for the violation of this chapter shall be determined by the city magistrate, subject, however, to the directions of the city council which may, but is not required to, establish a schedule of such penalties. Said penalties shall not exceed the amount of One Thousand (\$1,000) Dollars for an individual or Ten Thousand (\$10,000) Dollars for an enterprise for each offense.

Any person alleged to be subject to a civil penalty under this section shall be entitled to and administrative hearing regarding their liability and a review of that decision by the city council if requested in writing within seven days of the decision at the administrative hearing. The administrative hearing shall take place before the city magistrate, subject to any rules of procedure for the same as may be adopted by the city council from time to time.

SECTION 5. The city council, the city attorney, the building official, or any adjacent or neighboring property owner who shall be especially damaged by the violation of any provision of this chapter, may initiate other remedies provided by law (e.g. an injunction, writ of mandamus, abatement) or any other appropriate action, proceeding or proceedings to prevent, abate or remove such violation of this chapter.

SECTION 6. Any person, firm, corporation or other enterprise as defined above violating this chapter 7 shall be deemed guilty of a separate offense for each and every day during which a violation of the provisions of this chapter is committed, continued or permitted.

SECTION 7. 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.

SECTION 8. This Ordinance shall become effective as to all Sections other than Section 7-1-4-2, regarding the International Residential Code, on January 1, 2013. This Ordinance shall become effective as to Section 7-1-4-2, regarding the International Residential Code, on July 1, 2013.

PASSED AND ADOPTED by the Mayor and Council of the City of Maricopa, Arizona, this 16th day of October, 2012.

APPROVED:

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney