

ORDINANCE NO. 21-10

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF
THE CITY OF MARICOPA, ARIZONA, ADDING SECTION
8.10.040 TO THE MARICOPA CITY CODE RELATED TO
PROHIBITING WATER-FLOW UPON PUBLIC AREAS
WITHIN THE CITY OF MARICOPA AND PROVIDING FOR
SEVERABILITY AND THE EFFECTIVE DATE THEREOF.**

WHEREAS, the City of Maricopa Code provides regulations for discharge of water-flow within the City of Maricopa to protect the public health, safety and general welfare of the community and the people of Maricopa; and

WHEREAS, the Mayor and City Council of the City of Maricopa, Arizona, believe, after consultation with its staff, that amending the City of Maricopa Code as set forth herein to be in the best interest of the City of Maricopa.

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

SECTION 1. Section 8.10.040, Water-Flow Upon Public Areas Prohibited, is hereby added to the City of Maricopa Code and shall read as follows:

Section 8.10.040 Water-Flow Upon Public Areas Prohibited

A. It is unlawful for any person to willfully or negligently permit or cause the escape or flow of water in such quantity as to cause flooding, to impede vehicular or pedestrian traffic, to create a hazardous condition to such traffic, or to cause damage to the public streets of the city, public utility easements, alleyways or any other publicly owned property.

B. It is unlawful for any person to willfully or negligently permit or cause the escape or flow of water in such quantity as to cause flooding, to impede vehicular or to cause damage to the public streets of the city, public utility easements, alleyways or any other publicly owned property through failure or neglect to properly operate or maintain any structure, delivery ditch, or waste ditch in which said person has a vested right or interest in through the willful or negligent failure of said person to accept water after it has been ordered by him.

C. Swimming Pools should be drained on the property to irrigate the landscape on the property whenever possible. If it is not possible to contain all the water from the swimming pool on the property, the water from the swimming pool should be drained into the sanitary sewer cleanout on the property after obtaining approval from the sewer provider.

D. Any person found responsible for a civil violation of this Section, whether by admission, default, or after a hearing, shall pay a civil penalty between two hundred fifty dollars (\$250.00) and two thousand five hundred dollars (\$2,500.00) for the first violation. A second finding of responsible shall result in a civil penalty of five hundred dollars (\$500.00) and two

thousand five hundred dollars (\$2,500.00). Any subsequent finding of shall result in a civil penalty of one thousand dollars (\$1,000.00) and two thousand five hundred dollars (\$2,500.00).

SECTION 2. To the extent of any conflict between other City Ordinances and this Ordinance, this Ordinance shall be deemed to be controlling; provided, however, that this Ordinance is not intended to amend or repeal any existing City Ordinance, Resolution or regulation except as expressly set forth herein.

SECTION 3. 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 4. This Ordinance shall become immediately effective thirty (30) days from the date of its passage and adoption by the City Council of the City of Maricopa.

PASSED AND ADOPTED by the Mayor and City Council this 20th day of July, 2021.

APPROVED:

Christian Price
Mayor

ATTEST:

Vanessa Bueras, MMC
City Clerk

APPROVED AS TO FORM:

Denis Fitzgibbons
City Attorney