

ORDINANCE NUMBER 22-21

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA, AMENDING SECTION 8.20.040(A)(2)(j) AND 8.20.040(B)(1) OF THE MARICOPA CITY CODE REGARDING STORAGE OR PLACEMENT OF DEBRIS OR CONSTRUCTION MATERIAL ON A PUBLIC STREET AND PROVIDING FOR SEVERABILITY AND THE EFFECTIVE DATE THEREOF.

WHEREAS, the City of Maricopa previously adopted ordinance(s) related to the storage or placement of debris or materials in public streets, which have been amended from time to time; and

WHEREAS, the Mayor and City Council of the City of Maricopa believe, after consultation with its staff, that amending Section 8.20.040(A)(2)(j) and 8.20.040(B)(1) of the Maricopa City Code would be in the best interest of the City of Maricopa.

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

SECTION 1. Section 8.20.040(A)(2)(j) of the City Code of Maricopa is hereby deleted in its entirety and replaced with the following language:

No owner, agent, tenant, or occupant will allow, cause or permit the placement and/or storage of debris, construction material (e.g. rock, brick mortar, lumber) or any other material in or on a public street within the city of Maricopa.

SECTION 2. Section 8.20.040(B)(1) of the City Code of Maricopa is hereby deleted in its entirety and replaced with the following language:

B. Exemptions.

1. The provisions of subsection (A)(2)(c) & (j) of this section shall not apply when a valid building permit exists for the property on which the construction material is located on either the property itself or adjacent to the public Right-of-Way (ROW) and the construction material is intended to be incorporated in the project for which the permit is issued. The following placement standards shall be adhered to:

- a. Sidewalks must be kept clear at all times.
- b. Material storage utilizing a public street shall not be larger than 20 feet by 7 feet in area, parallel to a public sidewalk or edge of pavement. Traffic control devices such as a traffic cone with reflectors shall be utilized around the material storage and shall not block public travel lane.
- c. Material shall not block any neighboring driveways.

- d. Shall not be placed within 30 feet of a street corner.
- e. Shall be removed after 72 hours.
- f. Nonetheless, it shall be unlawful to store any such construction materials on any property or adjacent public ROW, if the storage presents a demonstrated hazard or risk of hazard to the public health and safety.

SECTION 3. 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 4. 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 5. This Ordinance shall become effective thirty (30) days from the date of adoption by the City Council for the City of Maricopa.

PASSED AND ADOPTED by the Mayor and Council of the City of Maricopa, Arizona, this 6th day of September, 2022.

APPROVED:

Nancy Smith
Mayor

ATTEST:

APPROVED AS TO FORM:

Vanessa Bueras, MMC
City Clerk

Denis Fitzgibbons
City Attorney