

**ORDINANCE NUMBER 14-16**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA, ADOPTING “CHAPTER 9 HEALTH AND SANITATION” BY REFERENCE AS SECTIONS 9-1 THROUGH 9-61 OF THE MARICOPA CITY CODE AND REPEALING SECTIONS 9-1-1 THROUGH 9-2-11 OF CHAPTER 9 OF THE MARICOPA CITY CODE AND PROVIDING FOR SEVERABILITY AND THE EFFECTIVE DATE THEREOF.**

**WHEREAS**, that certain document known as the ”Chapter 9 Health and Sanitation” was adopted as a public record by Resolution No. 14-53 on December 16, 2014;

**WHEREAS**, on June 1, 2004, the City of Maricopa adopted Chapter 9 Health and Sanitation as part of the City Code, which was amended on February 6, 2007;

**WHEREAS**, the Mayor and City Council of the City of Maricopa believe, after consultation with its staff, that amending Chapter 9 by repealing Section 9-1-1 through 9-2-11 and adopting Sections 9-1 through 9-61 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 9 HEALTH AND SANITATION” 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. 14-53 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**SECTION 2.** Chapter 9 of the Maricopa City Code and all amendments thereto are hereby repealed in their entirety and replaced with Chapter 9 Health and Sanitation which was made public record by Resolution No. 14-53 of the City of Maricopa, Arizona.

**SECTION 3.** Chapter 9 of the Code of the City of Maricopa contains the following penalty clauses:

- A. Pursuant to Section 9-24, the City shall enforce the provisions of this Article by prosecuting violators in the Maricopa municipal court pursuant to the criminal provisions of this code. If such prosecution fails to secure compliance, or in the event of inability to prosecute violators by reason of

failure to secure jurisdiction over their person, the manager shall compel the removal of litter or debris by the procedures outlined in sections 9-25 through 9-29 hereon.

- B. Pursuant to Section 9-27, when any such Person to whom notice, as aforesaid has been given, and on or before the date of compliance on the notice, or within such further time as may have been granted by the council on appeal, fails, neglects or refuses to move from such property any and all Litter or debris, the City Manager is authorized and directed to cause the same to be removed and disposed of at the expense of the owner or Person controlling such property.
- C. Pursuant to Section 9-28, if no appeal is taken from the amount of the assessment, or if an appeal is taken and the council has affirmed or modified the amount of the assessment, the original assessment or the assessment as so modified shall be recorded in the office of the county recorder, and from the date of its recording, shall be a lien on said lot or tract of land until paid.
- D. Pursuant to Section 9-29, the remedies previously provided for in this Article for any violation of its provisions are not exclusive. The City may pursue any lawful means to collect any amounts due, including, but not limited to, turning the matter over to a collection agency.
- E. Pursuant to Section 9-51(a), any person found guilty of violating this provision, shall be guilty of a class 3 misdemeanor. .
- F. Pursuant to Section 9-59, any permittee that is found responsible for three (3) civil citations pursuant to the Maricopa City Code within six (6) months may have the permit revoked for a period of twelve (12) months.

**SECTION 4.** 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 5.** 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 6.** 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 16<sup>th</sup> day of December, 2014.

APPROVED:

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Christian Price  
Mayor

ATTEST:

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Vanessa Bueras, CMC  
City Clerk

APPROVED AS TO FORM:

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Denis Fitzgibbons  
City Attorney