

ORDINANCE NO. 20-12

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA, AMENDING SECTIONS 8.20.010, 8.20.020 AND 8.20.040 OF THE MARICOPA CITY CODE RELATED TO NUISANCES WITHIN THE CITY OF MARICOPA AND AMENDING SECTIONS 9.05.010 AND 9.30.010 OF THE MARICOPA CITY CODE RELATED TO OFFENSES WITHIN THE CITY OF MARICOPA PROVIDING FOR SEVERABILITY AND THE EFFECTIVE DATE THEREOF.

WHEREAS, the City of Maricopa previously adopted Title 8, Health and Safety, of the City Code, as 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 Sections 8.20.010, 8.20.020 and 8.20.040 of the Maricopa City Code would be in the best interest of the City of Maricopa.

WHEREAS, the City of Maricopa previously adopted Title 9, Offenses, of the City Code, as 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 Sections 9.05.010 and 9.30.010 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. That Section 8.20.010 of the Maricopa City Code shall be amended to revise the definition of Abandoned Vehicle and add the definition of Inoperative Motor Vehicle and Junked Motor Vehicle in alphabetical order as follows:

“Abandoned vehicle” means an unregistered motor vehicle or recreational vehicle left unattended for a period of seventy-two hours on a street or private property, which is inoperable, stripped, unclaimed, scrapped, junked or discarded. This term shall also mean a vehicle being repaired when such repairs take 72 hours or more.

“Inoperative motor vehicle” means a vehicle which cannot be driven upon the public streets for reasons including, but not limited to, being in a state of disrepair, or inoperative due to mechanical disassembly; or physically incapable of operation under its own power.

“Junked motor vehicle” mean a vehicle that is inoperative, stripped, scrapped, discarded, wrecked, on blocks or similar devices, or has deflated or missing tire(s); or the absence of a license affixed or assigned thereto.

SECTION 2. That Section 8.20.020(B)(3) of the Maricopa City Code be deleted in its entirety.

SECTION 3. That Sections 8.20.020(C)(1), (3) and (4) of the Maricopa City Code be deleted in their entirety and replaced with the following:

C. *Removal.*

1. The owner, tenant, lessee or other occupant of any private property within the corporate limits of the city upon which storage is prohibited by subsection (A) of this section and also the owner of such abandoned, inoperative or junked motor vehicle(s); or an accumulation of scrapped vehicle parts involved in such storage shall jointly and severally abate the nuisance.

3. When any person to whom notice as provided in this subsection has been mailed fails, neglects or refuses for more than 15 days from the date appearing on the notice to abate the nuisance, the city manager or his representative is hereby authorized to remove the abandoned, inoperative or junked motor vehicle(s); or the accumulation of scrapped vehicle parts from the premises and dispose of same according to law.

4. The owner, tenant, lessee or other occupant of any private property, from which the city has removed an abandoned, inoperative or junked motor vehicle(s); or the accumulation of scrapped parts pursuant to this section, shall be liable for all costs incurred in removing and disposing said items from the property. [Ord. 17-05; Code 2004 § 10-1-2.]

SECTION 4. That Section 8.20.040(B)(1) of the Maricopa City Code be deleted in its entirety and replaced with the following:

1. The provisions of subsection (A)(2)(c) of this section shall not apply to any construction material when a valid building permit exists for the property on which the construction material is located and the construction material is intended to be incorporated in the project for which the permit is issued. Notwithstanding the exemption above, it shall nonetheless be unlawful to store any such construction materials on any property if the storage presents a demonstrated hazard or risk of hazard to the public health and safety.

SECTION 5. That Section 8.20.040(G) of the Maricopa City Code be deleted in its entirety.

SECTION 6. That Section 9.05.010 of the Maricopa City Code shall be amended to delete the definition of Special Development Property and the definition of Special Rural Property in their entirety.

SECTION 7. That Section 9.30.010 of the Maricopa City Code shall be deleted in its entirety and replaced with the following:

A. *Use and Maintenance of Certain Fences Restricted.* Except as set forth in this section or unless otherwise specifically permitted by zoning, it is unlawful for any person to erect or maintain within the city any electric fence or any fence constructed in whole or in part of barbed, razor or similar wire. Any such fence is hereby declared a public nuisance and subject to abatement by order of the city court.

B. *Exceptions.* Notwithstanding the provisions of subsection (A) of this section, unless specifically prohibited by the provisions of the zoning code, security barbed wire may be used as the top of a fence in any commercial or industrial facility or property; provided, however, that such barbed wire must be located no less than six feet from ground level at any point.

SECTION 8. 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 9. 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 10. 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 21st day of July, 2020.

APPROVED:

Christian Price
Mayor

ATTEST:

Vanessa Bueras, CMC
City Clerk

APPROVED AS TO FORM:

Denis Fitzgibbons
City Attorney