

ORDINANCE NO. 21-07

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA, ADOPTING “CHAPTER 5.25, SHOPPING CARTS” BY REFERENCE TO AMEND THE MARICOPA CITY CODE BY ADDING CHAPTER 5.25 RELATING TO THE REGULATION OF SHOPPING CARTS AND PROVIDING FOR THE SEVERABILITY AND THE EFFECTIVE DATE THEREOF.

WHEREAS, that certain document known as “Chapter 5.25, Shopping Carts” was adopted as a public record by Resolution No. 21-28 on May 18, 2021; and

WHEREAS, the Mayor and City Council of the City of Maricopa believe, after consultation with its staff, that adding Chapter 5.25 to establish rules and regulations related to shopping carts within the City of Maricopa 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 A.R.S. §9-802, that certain document known as “Chapter 5.25, Shopping Carts”, electronic 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 21-28 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 5.25 is hereby added to the Maricopa City Code as set forth in “Chapter 5.25, Shopping Carts” which was made a public record by Resolution No. 21-28 of the City of Maricopa, Arizona.

SECTION 3. The following penalty provisions are included in that certain document known as “Chapter 5.25, Shopping Carts”:

A. Failure to equip a Shopping Cart with a Restrictive Device as provided in Section 5.25.020 shall be a civil infraction. The Court shall impose a civil sanction for each Shopping Cart that is not equipped with a Restrictive Device. Each failure to equip a Shopping Cart with a Restrictive Device shall be deemed a separate violation of Section 5.25.020. It shall be presumed that all persons, partnerships, corporation of legal entities having control of Shopping Carts are subject to the provisions of this Section 5.25.020. The burden of rebutting this presumption by compliance with the alternative contained in subsection (c) of Section 5.25.020 shall be on the legal entity having control of Shopping Carts.

B. Failure to file a certification with the City as required by this Section 5.25.020 shall be declared a Civil offense.

C. Violation of subsection (a) of Section 5.25.030 is a class 3 misdemeanor pursuant to A.R.S. §44-1799.36. Violation of subsection (b) or (c) of Section 5.25.030 shall be enforced by a civil penalty.

D. Unless otherwise specified, a person who violates any provision of Sections 5.25.010 through 5.25.050 is guilty of a class 3 misdemeanor.

E. Sections 5.25.010 through 5.25.050 are not intended to preclude the application of any other laws relating to prosecution for a criminal offense.

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 18th day of May, 2021.

APPROVED:

Christian Price
Mayor

ATTEST:

Vanessa Bueras, CMC
City Clerk

APPROVED AS TO FORM:

Denis Fitzgibbons
City Attorney