

ORDINANCE NO. 05-10

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF MARICOPA, ARIZONA, ADOPTING BY REFERENCE "THE CITY OF MARICOPA DEVELOPMENT FEES CODE," A PUBLIC RECORD, RELATING TO THE ESTABLISHMENT OF DEVELOPMENT FEES FOR NEW DEVELOPMENT WITHIN THE CITY OF MARICOPA, AND SETTING AN EFFECTIVE DATE THEREOF.

WHEREAS, pursuant to A.R.S. §9-463.05, the City of Maricopa may assess Development Fees to offset costs to the municipality associated with providing necessary public services to New Development; and

WHEREAS, provision of adequate transportation, general government, parks and recreation facilities, libraries, and public safety protection are essential public services which the City of Maricopa must provide to further the public health, safety, welfare and morals; and

WHEREAS, development of previously undeveloped land in the City places a cost burden on the City to provide these additional necessary public services to the development, which costs have been ascertained in an extensive study and are documented in a written report which has been released to the public; and

WHEREAS, the Development Fees assessed in this Ordinance bear a reasonable relationship to the burden imposed on the City of Maricopa to provide these additional necessary public services to New Development and will result in a beneficial use to the developments; and

WHEREAS, the Maricopa City Council, on May 17, 2005, and after full and careful consideration of the issue, gave notice of its intent to assess these new or increased Development Fees within the City of Maricopa and made available to the public the Development Fee Study, a written report detailing and supporting the assessment of the Development Fees; and

WHEREAS, on July 19, 2005, more than sixty (60) days after providing its notice of intent to proceed with the imposition of Development Fees, a public hearing was held by the City of Maricopa to gather public input on the imposition of such fees; and

WHEREAS, fourteen (14) days have passed since that public hearing; and

WHEREAS, as a result of the Development Fee Study, the recommendation of City staff, and full compliance with the notice and hearing requirements set forth in A.R.S. §9-463.05, and after full consideration of the comments provided by the public on this issue, the Mayor and City Council believe that the imposition of Development Fees to offset the costs inherent with providing public services to New Development is in the best interest of the City of Maricopa; and

WHEREAS, the Development Fees Code was adopted as a public record by Resolution No. 05-24 on August 3, 2005; 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 COMMON COUNCIL OF THE CITY OF MARICOPA, ARIZONA, AS FOLLOWS:

- I. The Development Fees Code, declared a public record by Resolution 05-24, and three copies of which are on file with the City Clerk, is hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance. The Development Fee Code shall become Chapter 17 of the City of Maricopa City Code.
- II. 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 or as set forth in the Development Fees Code.
- III. 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.
- IV. This Ordinance shall become effective as of November 2, 2005, which is no earlier than ninety (90) days after its adoption.

PASSED AND ADOPTED by the Mayor and Council of the City of Maricopa, Arizona, this 3rd day of August, 2005.



Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:

 D. M. Fitzgerald
City Attorney