

**ORDINANCE NUMBER 05-15**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, PINAL COUNTY, ARIZONA, PERTAINING TO THE NATIONAL FLOOD INSURANCE PROGRAM, ADOPTING BY REFERENCE REVISED FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAPS, AND FLOODPLAIN MANAGEMENT REGULATIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES.**

**WHEREAS**, the City of Maricopa, Arizona will submit in the near future an application to joined the National Flood Insurance Program (NFIP) as a separate community;

**WHEREAS**, the City of Maricopa, under the National Flood Insurance Program, will be the entity responsible for floodplain administration within the City;

**WHEREAS**, participation in the National Flood Insurance Program is in the best interest of the citizens of the City of Maricopa;

**WHEREAS**, the Federal Emergency Management Agency published a Flood Insurance Study and Flood Insurance Rate Map for Pinal County and incorporated areas on March 5, 1990;

**WHEREAS**, each community that participates in the National Flood Insurance Program is required to adopt floodplain management regulations consistent with Federal criteria;

**WHEREAS**, the City of Maricopa, has previously delegated the responsibility of floodplain management to the Flood Control District of Pinal County as provided for in ARS § 48-3610;

**WHEREAS**, the *Flood Control District of Pinal County* has adopted Floodplain Regulations that meet the requirements of the National Flood Insurance Program; and

**WHEREAS**, those certain documents entitled “Flood Insurance Study for Pinal County, Arizona and Incorporated Areas dated March 5, 1990” and “Flood Insurance Rate Maps dated March 5, 1990” and “Floodplain Management Regulations for Pinal County dated August 1982” are hereby designated as public records.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, PINAL COUNTY, ARIZONA, AS FOLLOWS:**

**Section 1:** The City Engineer for the City of Maricopa is appointed as the Floodplain Manager for the City and will serve as the community point of contact on National Flood Insurance Program issues for County, State and Federal officials.

**Section 2:** Those public records entitled “Flood Insurance Study for Pinal County, Arizona, and Incorporated Areas dated March 5, 1990” and “Flood Insurance Rate Maps dated

March 5, 1990" and all subsequent amendments and/or revisions, three (3) copies of which shall be kept on file in the office of the City Clerk, are hereby adopted by reference, as the basis for establishing the special flood hazard areas for floodplain management in the City of Maricopa. The special flood hazard areas documented in the Flood Insurance Study and Flood Insurance Rate Maps are the minimum area of applicability of the floodplain management regulations and may be supplemented by studies for other areas as allowed in the regulations.

**Section 3:** That public record in the Floodplain Management Regulations for Pinal County dated August 1982, three (3) copies of which shall be kept on file in the office of the City Clerk, is hereby adopted as the legal basis for implementing floodplain management in the City of Maricopa.

**Section 4:** All ordinances and portions of ordinances in conflict with this Ordinance are hereby repealed.

**Section 5:** If any portion of this Ordinance is determined by a court of competent jurisdiction to be invalid, all remaining portions of this Ordinance shall remain in full force and effect.

**Section 6:** Violation; Penalties.

A. It is unlawful for a person to divert, retard or obstruct the flow of waters in a watercourse if it creates a hazard to life or property without securing the written authorization required by A.R.S. § 48-3613, and amendments. Where the watercourse is a delineated floodplain, it is unlawful to excavate or build any structure affecting the flow of waters without securing written authorization required by A.R.S. § 48-3613, and amendments.

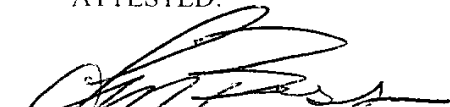
B. Any person found guilty of violating any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not to exceed two thousand five hundred dollars (\$2,500) or by imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as hereinabove described.

**PASSED, ADOPTED AND APPROVED** by the Mayor and City Council of the City of Maricopa, Pinal County, Arizona, this 20<sup>th</sup> day of December, 2005.

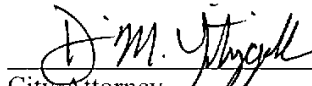
APPROVED:

  
\_\_\_\_\_  
Mayor

ATTESTED:

  
\_\_\_\_\_  
City/Town Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney