

ORDINANCE 14-08

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA, ADOPTING "CHAPTER 7 BUILDING REGULATION" BY REFERENCE AS SECTIONS 7-1-1 THROUGH 7-1-13 OF THE CITY OF MARICOPA CITY CODE AND REPEALING ARTICLE 7-1 OF THE MARICOPA CITY CODE AND PREVIOUSLY ADOPTED FEE SCHEDULES AND PROVIDING FOR THE SEVERABILITY AND THE EFFECTIVE DATE THEREOF.

WHEREAS, that certain document known as "Chapter 7 Building Regulation" was adopted as a public record by Resolution No. 14-29; and

WHEREAS, pursuant to Maricopa City Code, the Development Services and Public Works Departments for the City of Maricopa provide certain services relating to permitting, inspections, and the review of applications for zoning changes, planned area developments, signs, building and site plans, subdivision plats and other similar land use and development issues; and

WHEREAS, the City Council previously adopted Ordinances which established rules and regulations related to the construction and maintenance of buildings or structures within the City of Maricopa; and

WHEREAS, on May 19, 2004, the Maricopa City Council adopted Resolution 04-06 authorizing the imposition and collection of fees for permits and inspections relating to the City of Maricopa Building Code and establishing the City of Maricopa Supplemental Building Fees Schedules; and

WHEREAS, on May 25, 2004, the Maricopa City Council adopted Resolution 04-08 authorizing the imposition and collection of fees for permits and inspections relating to the permitting, inspection and review of certain engineering, landscaping and right-of-way plans and similar work and establishing the City of Maricopa Public Works Fee Schedule; and

WHEREAS, on May 25, 2004, the Maricopa City Council adopted Resolution 04-09 authorizing the imposition and collection of fees for permits and inspections relating to the City of Maricopa Building Code and establishing the City of Maricopa Planning and Development Fee Schedule; and

WHEREAS, on June 29, 2004, the Maricopa City Council adopted Resolution 04-18 authorizing the imposition and collection of fees for permits and inspections relating to the City of Maricopa Building Code and establishing the City of Maricopa Sign Permit Fee Schedule; and

WHEREAS, on October 18, 2005, the Maricopa City Council adopted Resolution 05-33 authorizing the imposition and collection of fees for permits and inspections relating to the City of Maricopa Building Code and establishing the City of Maricopa Miscellaneous Maricopa

Building Code Fee Schedules; and

WHEREAS, on October 18, 2005, the Maricopa City Council adopted Resolution 05-34 authorizing the imposition and collection of fees for permits and inspections relating to the City of Maricopa Building Code and establishing the City of Maricopa Planning and Development Fee Schedule; and

WHEREAS, on May 15, 2007, the Maricopa City Council adopted Resolution 07-19 authorizing the imposition and collection of fees for permits and inspections relating to the City of Maricopa Building Code and establishing the City of Maricopa Planning and Development Fee Schedule; and

WHEREAS, on June 5, 2007, the Maricopa City Council adopted Resolution 07-31 authorizing the imposition of fees for services performed for plan reviewing, permitting, inspecting or other similar activity performed in connection with the orderly administration of the City Code; and

WHEREAS, on October 16, 2012, the Maricopa City Council adopted Resolution 12-73 replacing Section 7-1 of the previously adopted City Code with Sections 7-1-1- through 7-1-13 relating to building regulations and authorizing the imposition and collection of fees for permits and inspections of buildings and structures within the City of Maricopa; and

WHEREAS, the City Council has determined that revising Chapter 7 and the fees relating to the Development Services and Public Works Departments is necessary to allow the City to conduct all necessary reviews and issue all appropriate approvals, and that the persons primarily benefitting from such work should bear a reasonable portion of the costs therefor; and

WHEREAS, pursuant to A.R.S. Sec. 9-499.15, the City provided written notice of the proposed charge on the home page its website for at least sixty days before the fees are considered by City Council; 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 RESOLVED 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 7 BUILDING REGULATION" of the Maricopa City Code, three (3) 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. 14-29 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 7 of the Maricopa City Code and all amendments thereto are hereby repealed in their entirety and replaced with Chapter 7 Building Regulation which was made public record by Resolution No. 14-29 of the City of Maricopa, Arizona.

SECTION 3. The fees for permits and services provided by the Development Services and Public Works Departments previously adopted by Resolution 04-06, Resolution 04-08, Resolution 04-09, Resolution 04-18, Resolution 05-33, Resolution 05-34, Resolution 07-19 and Resolution 07-31 are hereby repealed in their entirety and replaced with the fees set forth in Chapter 7 Building Regulation which was made public record by Resolution No. 14-29 of the City of Maricopa, Arizona.

SECTION 4. Any person, as defined in the Building Code, Section 202, who violates any provision of this chapter 7 shall be guilty of a Class One (1) misdemeanor, punishable as set forth in the City Code and state law. Each failure to obtain a required permit clearance, certification, review, approval or inspection shall constitute a separate violation.

SECTION 5. Any person, as defined in the Building Code, Section 202, or enterprise, as defined pursuant to Arizona Revised Statutes Section 13-105, who violates any provision of this chapter 7 shall be subject to a civil penalty, as an alternative method of enforcing this chapter. No person shall be subject to a criminal penalty for a violation enforced under the civil penalty provisions of this section.

The amount of the civil penalty for the violation of this chapter shall be determined by the city magistrate, subject, however, to the directions of the city council which may, but is not required to, establish a schedule of such penalties. Said penalties shall not exceed the amount of One Thousand (\$1,000) Dollars for an individual or Ten Thousand (\$10,000) Dollars for an enterprise for each offense.

Any person alleged to be subject to a civil penalty under this section shall be entitled to and administrative hearing regarding their liability and a review of that decision by the city council if requested in writing within seven days of the decision at the administrative hearing. The administrative hearing shall take place before the city magistrate, subject to any rules of procedure for the same as may be adopted by the city council from time to time.

SECTION 6. The city council, the city attorney, the building official, or any adjacent or neighboring property owner who shall be especially damaged by the violation of any provision of this chapter, may initiate other remedies provided by law (e.g. an injunction, writ of mandamus, abatement) or any other appropriate action, proceeding or proceedings to prevent, abate or remove such violation of this chapter.

SECTION 7. Any person, firm, corporation or other enterprise as defined above violating this chapter 7 shall be deemed guilty of a separate offense for each and every day during which a violation of the provisions of this chapter is committed, continued or permitted.


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 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.

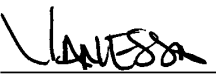
SECTION 10. This Ordinance shall become effective thirty (30) days from the date of adoption by the City Council for the City of Maricopa.

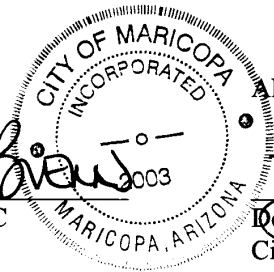
PASSED AND ADOPTED by the Mayor and Council of the City of Maricopa, Arizona, this 5th day of August, 2014.

APPROVED:



Christian Price
Mayor

ATTEST:


Vanessa Bueras, CMC
City Clerk



APPROVED AS TO FORM:


Denis Fitzgibbons
City Attorney