

**ORDINANCE NO. 21-01**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA, ADOPTING “AMENDMENT TO CHAPTER 8: HEALTH AND SAFETY” BY REFERENCE TO ADD SECTIONS 8.05.020(D) – (G) AND AMEND SECTION 8.15.010(A), SECTION 8.15.010(H) AND SECTION 8.15.090 OF THE MARICOPA CITY CODE AND PROVIDING FOR SEVERABILITY AND THE EFFECTIVE DATE THEREOF.**

**WHEREAS**, that certain document known as the “Amendment to Chapter 8: Health and Safety” was adopted as a public record by Resolution No. 21-03 on January 19, 2021;

**WHEREAS**, the City previously adopted Ordinances which established rules and regulations related to garbage and trash removal and refuse service within the City of Maricopa; and

**WHEREAS**, after review, City staff determined that the Maricopa City Code needed to be updated; and

**WHEREAS**, the Mayor and City Council of the City of Maricopa believe, after consultation with its staff, that amending Chapter 8: Health and Safety to update the rules and regulations related to garbage and trash removal and refuse service within the City of Maricopa would be in the best interest of the City of Maricopa.

**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 Arizona Revised Statutes Section 9-802, that certain document known as “Amendment to Chapter 8: Health and Safety” of the Maricopa City Code, 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 No. 21-03 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.** Sections 8.05.020(D) – (G) are hereby added and Section 8.15.010(A), Section 8.15.010(H) and Section 8.15.090 are hereby amended as set forth in “Amendment to Chapter 8: Health and Safety” which was made a public record by Resolution No. 21-03 of the City of Maricopa, Arizona.

**SECTION 3.** The following penalty provision is included in that certain document known as “Amendment to Chapter 8: Health and Safety”:

(A) Section 8.15.010(A): Any person found guilty of violating this provision shall be guilty

of a Class 3 misdemeanor.

(B) Section 8.15.090: The City may suspend or revoke a permit whenever the permittee violates the provisions of that permit, this Chapter or any other applicable rule or regulation, or fails to pay all fees when due. Notice of the proposed suspension or revocation shall be delivered personally or by registered mail to the permittee and shall become effective five (5) working days after the receipt of the notice unless the permittee files a notice of appeal pursuant to Section 8.15.100 of this Code. If an appeal is timely filed, the permittee may continue collecting, transporting and/or disposing of refuse or other waste until the appeal is final, unless such continuance would cause the City to violate a federal or state law, regulation or permit or cause or continue a public or environmental nuisance. Failure to file a notice of appeal within five (5) working days of the date of the notice of suspension or revocation shall constitute a full waiver of the right to contest that suspension or revocation. Once a permit has been revoked, the permittee must wait twenty-four (24) months before reapplying for a permit with the City.

**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 19<sup>th</sup> day of January, 2021.

APPROVED:


  
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Christian Price  
Mayor

ATTEST:

  
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Vanessa Bueras, CMC  
City Clerk



APPROVED AS TO FORM:

  
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Denis Fitzgibbon  
City Attorney