ORDINANCE NUMBER 05-09

AN ORDINANCE OF THE CITY OF MARICOPA, ARIZONA AMENDING SECTIONS 10-1-9(A)(5) AND 10-1-9(B)(1) OF "THE CODE OF THE CITY OF MARICOPA, ARIZONA" TO CHANGE THE PERMISSIBLE CONSTRUCTION ACTIVITY NEAR RESIDENTIAL STRUCTURES BY REPEALING AN EXCEPTION FOR CONCRETE WORK, CLARIFYING THAT THE PROHIBITION EXTENDS TO CONSTRUCTION TRAFFIC AS WELL AS WORK, AND AMENDING THE DISTANCE FROM A RESIDENTIAL STRUCTURE WHICH WORK COULD BE PERFORMED OUTSIDE PERMISSIBLE HOURS

WHEREAS, current Section 10-1-9(A)(5) of "The Code of the City of Maricopa, Arizona" (Maricopa City Code) currently prohibits construction activity between certain hours within two hundred and fifty yards of an occupied residential structure; and

WHEREAS, current Section 10-1-(B)(1) of the Maricopa City Code provides an exception from Section 10-1-9(A)(5) for pouring concrete; and

WHEREAS, after consultation with its staff and upon the suggestion of its citizens, the Mayor and City Council for the City of Maricopa believe that it would be in the best interest of the City of Maricopa to amend the Maricopa City Code to increase the distance from residential structures where construction work could occur outside the permitted hours, to clarify the intent of the Code to preclude construction-related traffic during the restricted hours, and to remove the current exception for concrete pouring;

NOW, THEREFORE, be it ordained by the Mayor and the Council of the City of Maricopa, Arizona, as follows:

Section 1: Section 10-1-9(A)(5) Maricopa City Code shall be amended by replacing the language reading "two hundred fifty yards of an occupied residence" with the following language:

one thousand feet of a completed residential structure. This prohibition shall further extend to all construction-related activity, including set-up work and travel to and from the construction site, and under no circumstance shall construction travel which passes within one thousand feet of a completed residential structure occur outside the times set forth herein, unless such other times are allowed pursuant to paragraph (B)(3).

Section 2: Section 10-1-9(B)(1) of the Maricopa City Code shall be amended by repealing such paragraph in its entirety, without renumbering the remaining paragraphs. A notation shall be placed in the Code in its place noting "[Repealed by Ordinance 05-09]."

Section 3: 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 effect the validity of the remaining portion thereof.

Section 4: Whereas the immediate operation of the provisions of this Ordinance is necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage by the City Council of the City of Maricopa.

Passed and Adopted by the Mayor and the City Council of the City of Maricopa this 17th day of May, 2005.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney