

## **ORDINANCE NO. 861-25**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, INCLUDING AREAS LOCATED IN MARICOPA COUNTY, PERTAINING TO THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP), ADOPTING BY REFERENCE THE MARICOPA COUNTY FLOOD INSURANCE STUDY (FIS), FLOOD INSURANCE RATE MAPS (FIRMS), AND FLOODPLAIN MANAGEMENT ORDINANCE (ORDINANCE); ABROGATION AND GREATER RESTRICTIONS; SEVERABILITY; AND PROVIDING PENALTIES.**

**WHEREAS**, A.R.S. § 9-802 provides a procedure whereby a municipality may enact the provisions of a code or public record by reference, without setting forth such provisions, providing that the adopting ordinance is published in full, but exhibits to the ordinance need not be published in full so long as certain requirements are fulfilled; and

**WHEREAS**, A.R.S. § 48-3609 assigns powers and duties for floodplain management to the Maricopa County Flood Control District and the Town of Queen Creek, which includes areas located in Maricopa County, desires to continue to not assume floodplain management responsibility as authorized in A.R.S. § 48-3610 and shall be known as “District Dependent”; and

**WHEREAS**, the Maricopa County Flood Control District has adopted an ordinance to participate in the NFIP; and

**WHEREAS**, the Town of Queen Creek shall appoint a Floodplain Administrator for the portions of the Town of Queen Creek located in Maricopa County, who will be responsible for: (1) coordinating with Maricopa County Flood Control District staff regarding floodplain management and (2) verifying that the Community’s participation in the NFIP is maintained and remains in good standing through adoption and enforcement of this Ordinance; and

**WHEREAS**, the Town of Queen Creek Floodplain Administrator for the portions of the Town of Queen Creek located in Maricopa County shall also be, at a minimum, responsible to

1. Obtain and maintain current FIS and FIRM(s) applicable to the Town of Queen Creek;
2. Obtain and maintain a copy of the most current “Floodplain Regulations for Maricopa County, January 17, 2018 at the office of the Town Clerk; and
3. Obtain and maintain evidence of compliance for all applicable development in Special Flood Hazard Areas (“SFHAs”).

**WHEREAS**, the Town of Queen Creek joined the NFIP as a separate community on July 22, 1992, and under the NFIP, is the entity responsible for floodplain management within the Town; and

**WHEREAS**, the continued participation in the NFIP is in the best interests of the citizens of the Town of Queen Creek; and

**WHEREAS**, the Federal Emergency Management Agency (“FEMA”) published a countrywide FIS and FIRMs titled “The Flood Insurance Study for Maricopa County and Incorporated Areas” dated September 30, 2005, with accompanying Flood Insurance Rate Maps, and each community that participates in the NFIP is required to adopt an ordinance that meets the minimum requirements of the NFIP.

**BE IT ORDAINED BY THE COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AS FOLLOWS:**

- Section 1:** Declaration and Adoption of Public Records. The “Flood Insurance Study for Maricopa County and Incorporated Areas” and Flood Insurance Rate Maps for Maricopa County and Incorporated Areas dated September 30, 2005 and “Floodplain Regulations for Maricopa County, January 17, 2018,” and all subsequent modifications and/or amendments thereto, are declared to be public records and are adopted and incorporated herein by this reference and form the basis for establishing the SFHAs in the Town of Queen Creek and are hereby adopted as the legal basis for implementing floodplain management for those areas in the Town of Queen Creek located in Maricopa County. The SFHAs documented in the FIS and FIRMs are the minimum area of applicability of this Ordinance and may be supplemented by studies for other areas as allowed in this Ordinance.
- Section 2:** Election not to Assume Floodplain Management. The Town of Queen Creek continues to elect not to assume the responsibility of floodplain management from the Maricopa County Flood Control District as provided for in A.R.S. §§ 48-3609 and -3610 for those areas in the Town which are in Maricopa County. The Town Engineer who is designated as the NFIP Floodplain Administrator for the Town is responsible for coordinating with the Maricopa County Flood Control District, and will serve as the community point of contact on NFIP issues for County, State, and Federal officials.
- Section 3:** Amendment of Town Code Chapter 13. The amendments to Queen Creek Town Code, Chapter 13 as set forth on Exhibit 1 are declared to be a public record and are adopted and incorporated herein by this reference.
- Section 4:** Providing for penalties. The penalties for violating the Floodplain Regulations for Maricopa County, January 17, 2018 shall be as set forth in Section 708 thereof, as may be amended by Maricopa County, which are as follows:
- A. It is a Class 2 Misdemeanor to engage in any Development or to divert, retard or obstruct the flow of waters in a watercourse without first securing the written authorization of the District. A violator may be subject to jail and fines.

- B. The penalty for the civil offense of violation of Flood Control District Regulations, ordinance or rules is a fine not in excess of that which is chargeable for a Class 2 Misdemeanor. Each day the violation continues constitutes a separate offense.
- C. All development located or maintained within any Special Flood Hazard Area since August 8, 1973, in violation of flood control statutes or regulations without authorization from the Floodplain Administrator is a public nuisance per se and may be abated, prevented or restrained by action of this political subdivision.
- D. Nothing in this section precludes any private right of action by any person damaged by another's unauthorized diversion, retardation, or obstruction of a watercourse. Further the District is not precluded by anything in these Regulations from pursuing injunctive and other remedies as provided by law.

**Section 5:** Abrogation and Greater Restrictions. This Ordinance does not repeal, abrogate, or impair any existing easements, covenants, or deed restrictions except as expressly set forth herein. However, where this Ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**Section 6:** Conflicting Ordinances. Subject to Section 5 above, all existing Town ordinances that conflict with this Ordinance are hereby repealed or modified to be consistent with this Ordinance.

**Section 7:** Severability. If any section, subsection, clause, phrase or portion of this Ordinance or any part of these amendments to Chapter 13 of the Queen Creek Town Code is for any reason held 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 8:** Filing with the Town Clerk. At least one paper copy and one electronic copy of this Ordinance and Exhibit(s), together with the Flood Insurance Study for Maricopa County and Incorporated Areas and Flood Insurance Rate Maps for Maricopa County and Incorporated Areas dated September 30, 2005 and Floodplain Regulations for Maricopa County, January 17, 2018, are to be filed with and will be located at the office of the Town Clerk.

**PASSED AND ADOPTED** by the Common Council of the Town of Queen Creek, Arizona, this 2nd day of April, 2025.

FOR THE TOWN OF QUEEN CREEK:

  
\_\_\_\_\_  
Julia Wheatley, Mayor


ATTESTED TO:

  
\_\_\_\_\_  
Maria Gonzalez, Town Clerk

REVIEWED BY:

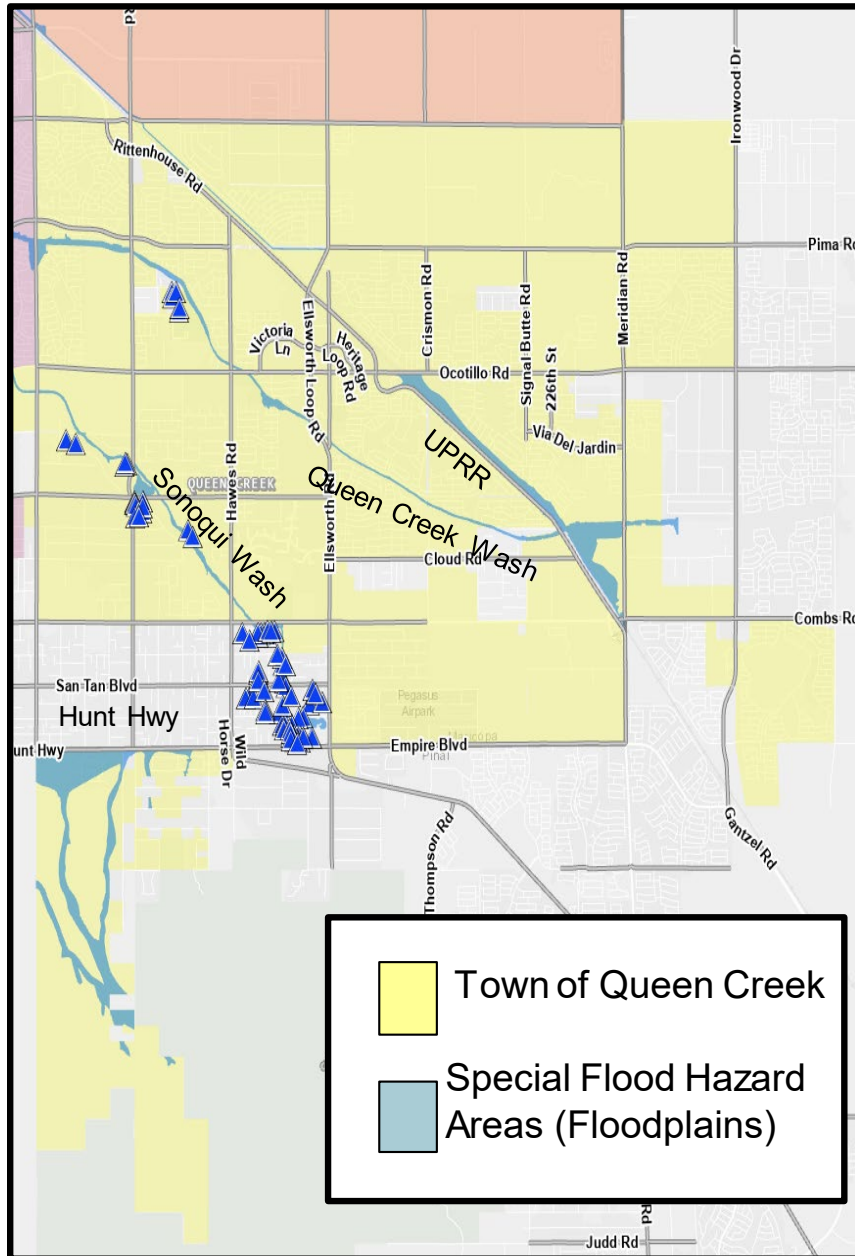
  
Bruce Gardner (Apr 3, 2025 18:29 PDT)  
\_\_\_\_\_  
Bruce Gardner, Town Manager

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Dickinson Wright, PLLC  
Town Attorneys

**EXHIBITS ON FILE AND LOCATED AT THE TOWN CLERK'S OFFICE**

# Map 1 – SFHA Location



## NOTE:

The areas shaded in light blue on the exhibit are the areas that relate to the Floodplain Ordinance and are limited to an area north of the UPRR, the Queen Creek Wash, the Sonoqui Wash, and areas south of Hunt Highway

## **CHAPTER 13 FLOOD CONTROL**

### **ARTICLE 13-1 DRAINAGE AND EROSION PROVISIONS**

13-1-1 Designation Of Authority.

13-1-2 Technical Design Specifications

13-1-3 Floodplain Management Regulations

13-1-4 Penalties

#### HISTORY

*Adopted by Ord. 31-93 on 5/5/1993*

*Adopted by Ord. 320-05 on 7/20/2005*

*~~Adopted Amended~~ by Ord. 414-07 on 12/5/2007*

*~~Amended by Ord. 861-25 on 3/19/2025~~*

*~~Maricopa County~~*

*~~Amended by Ord. 860-25 on 3/19/2025~~*

*~~Pinal County~~*

#### **13-1-1 Designation Of Authority.**

The Town designates the Maricopa County Flood Control District and Pinal County Flood Control District as the enforcement authority for all flood plain management activities within the areas of special flood hazard as designated by the Federal Emergency Management Agency, Flood Insurance Rate Maps and for those areas identified by the Maricopa County Flood Control District and Pinal County Flood Control District to be areas of special flood concern within the corporate limits of the Town. For all other lands not within an area of special flood hazard as designated by the Federal Emergency Management Agency, Flood Insurance Rate Maps or designated areas of special flood concern by the Maricopa County Flood Control District or Pinal County Flood Control District, the authority for enforcement of drainage and erosion provisions shall be the Town or other designated agent.

#### HISTORY

*Adopted by Ord. 31-93 on 5/5/1993*

*~~Adopted Amended~~ by Ord. 414-07 on 12/5/2007*

*~~Amended by Ord. 861-25 on 3/19/2025~~*

*~~Maricopa County~~*

*~~Amended by Ord. 860-25 on 3/19/2025~~*

*~~Pinal County~~*

#### **13-1-2 Technical Design Specifications**

The following listed publications, **and all subsequent amendments and or revisions**, copies of which are on file in the office of the Town Clerk, shall apply to all building permit requests:

- A. Drainage Design Manual for Maricopa County, Arizona ~~Volume I Hydrology, June 1, 1992~~  
**August 15, 2013**
- B. Drainage Design Manual for Maricopa County, Arizona ~~Volume II Hydraulics, November, 1991~~  
**August 15, 2013**
- C. Drainage Design Manual for Maricopa County, Arizona ~~Volume III Erosion Control, August 28, 1992~~  
**August 15, 2013**

## HISTORY

Adopted by Ord. 31-93 on 5/5/1993

~~Adopted Amended~~ by Ord. 414-07 on 12/5/2007

Amended by Ord. 861-25 on 3/19/2025

Maricopa County

Amended by Ord. 860-25 on 3/19/2025

Pinal County

### **13-1-3 Floodplain Management Regulations**

- A. The Town ~~Manager~~ **Engineer** of the Town of Queen Creek is appointed as the National Flood Insurance Program Floodplain administrator for the Town and is responsible for coordinating with the Flood Control District Of Maricopa County and Pinal County and will serve as the community point of contact on National Flood Insurance Program issues for County, State and Federal officials.
- B. The “Flood Insurance Study for Maricopa County and Incorporated Areas” **dated September 30, 2005** with accompanying Flood Insurance Rate Maps (**FIRMs**) **dated September 30, 2005** and all subsequent amendments and/or revisions, shall be utilized as the basis for establishing the special flood hazard areas (**SFHAs**) for floodplain management in the **portions of the Town of Queen Creek located in Maricopa County.**
- C. That public record designated as the “Floodplain Management Regulations for Maricopa County ~~2006 revision~~ **dated January 17, 2018** and all subsequent amendments and/or revisions thereto, shall be utilized as the legal basis for implementing floodplain management in ~~this community~~ **the portions of the Town of Queen Creek located in Maricopa County.**
- D. The “Flood Insurance Study For Pinal County ~~and Incorporated Areas~~” dated ~~March 5, 1990~~ **December 4, 2007**, with accompanying ~~flood insurance rate maps~~ **FIRMs** dated ~~August 15, 1983~~ **December 4, 2007**, and all subsequent amendments and/or revisions thereto, shall be utilized as the basis for establishing the ~~special flood hazard areas~~ **SFHAs** for floodplain management in the **portions of the Town of Queen Creek located in Pinal County.**
- E. The “Pinal County Floodplain Management Ordinance” dated ~~August 2006~~ **May 10, 2019**, and all subsequent amendments and/or revisions thereto, shall be utilized as the legal basis for implementing floodplain management in ~~this community~~ **the portions of the Town of Queen Creek located in Pinal County.**
- F. The SFHAs documented in the FISs and FIRMs 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.

## HISTORY

Adopted by Ord. 320-05 on 7/20/2005

~~Adopted Amended~~ by Ord. 414-07 on 12/5/2007

Amended by Ord. 861-25 on 3/19/2025

Maricopa County

Amended by Ord. 860-25 on 3/19/2025

Pinal County

## HISTORY

Adopted by Ord. 861-25 on 3/19/2025

Maricopa County

### **13-1-4 Penalties**

- A. The penalties for violating the Pinal County Floodplain Management Ordinance, May 10, 2019, Ordinance No. 041019-FL18-016, are set forth in Section 8.05.010 thereof, as may be amended by Pinal County.
- B. The penalties for violating the Floodplain Regulations for Maricopa County, January 17, 2018, are set forth in Section 708 thereof, as may be amended by Maricopa County.











# 8F - Ordinance 861-25

Final Audit Report

2025-04-04

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