

ORDINANCE NO. 1046
(GRADING & DRAINAGE)

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF WICKENBURG, COUNTY OF MARICOPA, STATE OF ARIZONA, AMENDING THE WICKENBURG TOWN CODE BY REPEALING CHAPTER 11A DRAINAGE REGULATIONS, AND DECLARING THE DOCUMENTS ENTITLED THE "2009 TOWN OF WICKENBURG GRADING AND DRAINAGE SUBDIVISION CODE AMENDMENTS", THE "DRAINAGE DESIGN MANUAL FOR MARICOPA COUNTY - HYDROLOGY, HYDRAULICS AND EROSION CONTROL" AND THE "YAVAPAI COUNTY DRAINAGE CRITERIA MANUAL" AS PUBLIC RECORDS; ADOPTING BY REFERENCE THOSE PUBLIC RECORDS KNOWN AS THE "2009 TOWN OF WICKENBURG GRADING AND DRAINAGE SUBDIVISION CODE AMENDMENTS", THE "DRAINAGE DESIGN MANUAL FOR MARICOPA COUNTY - HYDROLOGY, HYDRAULICS AND EROSION CONTROL" AND THE "YAVAPAI COUNTY DRAINAGE CRITERIA MANUAL" AMENDING CHAPTER 11 SUBDIVISIONS, ARTICLE 11-2 DEFINITIONS TO ADD NEW DEFINITIONS RELATED TO GRADING AND DRAINAGE REQUIREMENTS, AND ADDING NEW ARTICLE 11-6 GRADING AND DRAINAGE REQUIREMENTS ALL TO ESTABLISH REGULATIONS GOVERNING EXCAVATION AND GRADING IN SUBDIVISIONS WITHIN THE WICKENBURG TOWN LIMITS, ESTABLISHING REQUIREMENTS FOR GRADING AND DRAINAGE AND PERMIT REQUIREMENTS, FINANCIAL ASSURANCE REQUIREMENTS, AND PROCEDURES FOR REVOCATION; RENUMBERING EXISTING ARTICLES 11-6, 11-7 and 11-8 TO CONFORM; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR PENALTIES

WHEREAS, The Town of Wickenburg desires to the extent possible to maintain the area's geomorphic and topographic character as typified by the Sonoran Bajada or Sonoran Foothills' regions of the high desert environment; and

WHEREAS, the Town of Wickenburg desires to preserve and protect the natural resources of Wickenburg and the surrounding area; and,

WHEREAS, the Town of Wickenburg desires to prevent altering the existing topography and drainage patterns on large tracts of land, with sensitive vegetation on hillside slopes by reasonably ensuring the protection of the existing landscape; and

WHEREAS, the Town desires to implement flood protection programs for developed areas and important natural features as a benefit to individual residents and the corporate community; and

WHEREAS, the control of runoff due to rainfall is necessary to insure that existing storm water retention structures as constructed by the Flood Control District of Maricopa County and the Town of Wickenburg are not overburdened in the context of their design capacity; and,

WHEREAS, the Town desires to reduce siltation of waterways and flood control structures while preserving and enhancing the natural environment including, but not limited to, the natural landform and vegetation within Wickenburg; and

WHEREAS, the Town recognizes that development may occur throughout the areas of geomorphic and topographic character that the Town, intends to minimize the effect of development without creating an undue burden on the property owner or developer; and,

WHEREAS, the Town desires to minimize the negative impacts of erosion, noise and air pollution, wind and glare through proper landscaping;

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL of the Town of Wickenburg, County of Maricopa, State of Arizona as follows:

Section I In General

That certain document known as the "Town of Wickenburg 2009 Grading and Drainage Subdivision Code Amendments", the "Drainage Design Manual for Maricopa County - Hydrology, Hydraulics and Erosion Control" and the Yavapai County Drainage Criteria Manual", three copies of which shall remain on file in the office of the Town Clerk, are hereby declared to be public records.

The Town Code of the Town of Wickenburg, Arizona shall be amended by adopting by reference that public record entitled the "Town of Wickenburg 2009 Grading and Drainage Subdivision Code Amendments", the "Drainage Design Manual for Maricopa County - Hydrology, Hydraulics and Erosion Control" and the Yavapai County Drainage Criteria Manual", which documents are hereby adopted and incorporated by reference.

Section II Providing For Repeal of Conflicting Ordinances

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

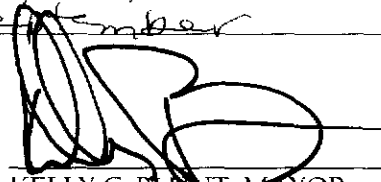
Section III Providing For Severability

If any section, subsection, sentence, clause, phrase or portion of this Ordinance, or any part of the Code adopted herein by reference, 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 IV Providing For Penalties

Any person found guilty of violating any provision of this Ordinance shall be subject to the violation and penalty provisions of Section I-8 of the *Wickenburg Town Code*.

APPROVED, PASSED AND ADOPTED by the Mayor and Common Council of the Town of Wickenburg, Arizona, this 21 day of September, 2009.



KELLY C. BLUNT, MAYOR

Date Signed: 9-21-09

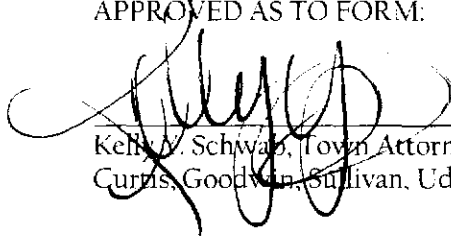
ATTEST:



Donna Riffel, Town Clerk

Date Signed: 9-21-09

APPROVED AS TO FORM:



Kelly W. Schwab, Town Attorney
Curnis, Goodwin, Sullivan, Udall & Schwab, P.L.C

Number of Council members Present: 7
Number of Votes For: 5
Number of Votes Against: 2
Number of Abstentions: 0

CERTIFICATION

I, Donna Riffel, the duly appointed and qualified Town Clerk of the Town of Wickenburg, an Arizona Corporation, do hereby Certify that the foregoing Ordinance Number 1046 was duly passed, approved and adopted by the Common Council of the Town of Wickenburg, Arizona, at a regular meeting held on the 21st day of September, 2009, and that a quorum was present at the meeting

Donna Riffel, Town Clerk