

ORDINANCE NO. 623 N.S.

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF TOLLESON, ARIZONA, AMENDING THE TOLLESON CITY CODE, CHAPTER 8 HEALTH AND SANITATION, ARTICLE 8-2 LITTER, SECTION 8-2-3 OWNER TO MAINTAIN PREMISES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, the City of Tolleson, Arizona (the "City") desires to amend the City's Town Code to require owners and responsible parties in control of parking lots to maintain the premises.

WHEREAS, the City Council of the City of Tolleson has determined that the proposed amendments are necessary to protect public health, safety, and welfare of City residents;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF TOLLESON ARIZONA, as follows:

Section 1. The recitals above are hereby incorporated as if fully set forth herein.

Section 2. The Tolleson City Code, Chapter 8, Health and Sanitation, is hereby amended by amending Article 8-2 Litter, Section 8-2-3 Owner To Maintain Premises, to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

CHAPTER 8: – HEALTH AND SANITATION

ARTICLE 8-2: – LITTER

§ 8-2-3 – Owner To Maintain Premises

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(B) *Sidewalks, streets, ~~and~~ alleys, AND PARKING LOTS.* The owner and any responsible party in control of any land abutting a sidewalk, alley, PARKING LOT, or street shall maintain the sidewalk, alley, PARKING LOT, or street; in the same manner as provided in division (A). The areas required to be maintained pursuant to this section are as follows:

- (1) Any portion of a street, which has been opened for public use, between the curb line and the abutting property line including sidewalks and landscaped areas;
- (2) One half of the width of abutting alleys, from the property line to the center line of the alley; and
- (3) Any portion of a street abutting the boundaries of a parcel of land, which street has not been dedicated to the City or Maricopa County or otherwise

opened for public use, shall be maintained by those persons who created or are served by the street or their successors in interest, including lessees and other persons in control of the land abutting the street AND PRIVATE PARKING LOTS; provided, that if the abutting land on either side of the street is owned by different persons and each person has an obligation to maintain the street hereunder, then the owner, lessee or other person in control of the land shall only be required to maintain one-half of the width of the street abutting their land.

* * *

~~(E)~~(F) *Excavations.*

- (1) Excavations and other like or similar conditions must be filled with clean fill. On a temporary basis, excavations shall be maintained in a secure manner so as to prevent a hazard to public health and safety.
- (2) An excavation is considered secure when:
 - (a) The excavation is protected by a free-standing, stable and complete six-foot minimum height enclosure that surrounds the excavation or property; and
 - (b) A well, pit, abandoned swimming pool, or similar excavation is completely and permanently covered, fenced securely, or protected in an equivalent manner.

Section 3. Providing for Repeal of Conflicting Ordinances.

All ordinances, parts of ordinances and resolutions in conflict with the provisions of this Ordinance, or any part of the City Code adopted here by reference, are repealed.

Section 4. Providing for Severability.

If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct, and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5. Providing for Penalties.

Pursuant to Section 1-1-8 of the Tolleson City Code, any person found guilty of violating any provisions of this ordinance shall be guilty of a class one misdemeanor and, upon conviction, shall be punished pursuant to the terms set forth in the A.R.S. § 13-707, § 13-802, and § 13-902, as amended. Each day that a violation continues shall be a separate offense punishable as hereinabove described.

Section 6. The Mayor, City Manager, City Clerk and City Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Mayor and Council of the City of Tolleson, Arizona, on this 24th day of June, 2025.

Juan F. Rodriguez, Mayor

ATTEST: _____
Crystal Zamora, City Clerk

APPROVED AS TO FORM: _____
Justin Pierce, City Attorney