

ORDINANCE NO. 624 N.S.

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF TOLLESON, ARIZONA, AMENDING THE TOLLESON CITY CODE, CHAPTER 6 TRAFFIC CODE, ARTICLE 6-3 TRAFFIC CONTROL BY ADDING SECTION 6-3-18 OBSTRUCTION OF PUBLIC PROPERTY; AND ARTICLE 6-4 PARKING RULES BY ADDING SECTION 6-4-11 PARKING NEAR A FIRE HYDRANT; AND ARTICLE 6-7 ABANDONED, JUNK AND STORAGE OF VEHICLES, BY AMENDING SECTION 6-7-2 ABANDONED, INOPERATIVE, DISCARDED, JUNKED OR UNLICENSED VEHICLES; AND SECTION 6-7-4 OUTSIDE PARKING OR STORAGE OF LICENSED VEHICLES; 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 Code to prohibit overgrowth of vegetation that impedes traffic and traffic control devices;

WHEREAS, the City desires to amend the City Code to prohibit parking near fire hydrants;

WHEREAS, the City desires to amend the City Code to permit the outside storage of unlicensed vehicles on privately owned properties within the City when parked in a manner permitted by Code and law; and

WHEREAS, the City Council of the City of Tolleson has determined that the proposed amendments are in the best interests of City residents and protect public health and safety;

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 6, Traffic Code, is hereby amended by amending Article 6-3 Traffic Control, by adding Section 6-3-18 Obstruction of Public Property to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

CHAPTER 6: – TRAFFIC CODE

ARTICLE 6-3: – TRAFFIC CONTROL

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§ 6-3-18 – OBSTRUCTION OF SIDEWALKS AND PUBLIC STREETS

(A) *GENERAL*. IT IS UNLAWFUL FOR ANY PERSON TO OBSTRUCT ANY PUBLIC STREET, ALLEY, OR SIDEWALK, OR TO DO IN OR UPON ANY SUCH STREETS, ALLEYS, OR

SIDEWALKS ANY ACT WHICH IS AN OBSTRUCTION OR INTERFERENCE TO THE USE OF THESE AREAS OR WHICH IMPEDES ANY BUSINESS LAWFULLY CONDUCTED BY ANYONE IN, UPON, FACING, OR FRONTING ANY SUCH STREETS, ALLEYS, OR SIDEWALKS.

- (B) *TREES/HEDGES*. IT IS FURTHER UNLAWFUL FOR ANY PERSON TO MAINTAIN OR ALLOW ANY TREE OR HEDGE ON THEIR PROPERTY IN A MANNER THAT PREVENTS PERSONS DRIVING ON PUBLIC STREETS OR USING PUBLIC ALLEYS OR SIDEWALKS FROM OBTAINING A CLEAR VIEW WHEN APPROACHING AN INTERSECTION OR PEDESTRIAN CROSSWALK. TO ENSURE COMPLIANCE WITH THIS SECTION, ALL PROPERTY OWNERS, TENANTS, OR PERSONS IN CONTROL OF REAL PROPERTY IN THE CITY SHALL COMPLY WITH SUBSECTIONS (B) AND (C) BELOW TO THE EXTENT TREES OR HEDGES ON THEIR PROPERTY OVERHAND SIDEWALKS OR PUBLIC STREETS.
- (C) *SIDEWALK CLEARANCE*. ALL TREES THAT OVERHANG A SIDEWALK WITHIN THE PUBLIC RIGHT-OF-WAY MUST CONFORM TO NO LESS THAN 7 FEET ABOVE THE SIDEWALK.
- (D) *STREET CLEARANCE*. ALL TREES THAT OVERHANG A PUBLIC STREET WITHIN THE PUBLIC RIGHT-OF-WAY MUST CONFORM TO NO LESS THAN 13 FEET ABOVE THE ROADWAY.
- (E) *PENALTY*. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 3 MISDEMEANOR. IN ADDITION TO OR IN LIEU OF A FINE PURSUANT TO THIS SECTION, A JUDGE MAY ORDER A PERSON TO PERFORM AT LEAST EIGHT (8) BUT NOT MORE THAN 24 HOURS OF A COMMUNITY RESTITUTION COURSE OR TO COMPLETE AN APPROVED SAFETY COURSE RELATED TO THE OFF-HIGHWAY OPERATION OF MOTOR VEHICLES, OR BOTH.

Section 3. The Tolleson City Code, Chapter 6, Traffic Code, is hereby amended by amending Article 6-4 Parking Rules, by adding Section 6-4-11 Parking Near a Fire Hydrant to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

CHAPTER 6: – TRAFFIC CODE

ARTICLE 6-4: – PARKING RULES

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§ 6-4-11 – PARKING NEAR A FIRE HYDRANT.

PARKING WITHIN 15 FEET OF A FIRE HYDRANT IS PROHIBITED.

Section 4. The Tolleson City Code, Chapter 6, Traffic Code, is hereby amended by amending Article 6-7 Abandoned, Junk and Storage of Vehicles, Section 6-7-2 Abandoned, Inoperative, Discarded, Junked or Unlicensed Vehicles, and Section 6-7-4 Outside Parking or Storage of Licensed Vehicles to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

CHAPTER 6: – TRAFFIC CODE

ARTICLE 6-7: – ABANDONED, JUNK AND STORAGE OF VEHICLES

§ 6-7-2 – Abandoned, Inoperative, Discarded, OR Junked ~~or Unlicensed~~ Vehicles

- (A) The outside storage of abandoned, inoperative, discarded, OR junked ~~or unlicensed~~ vehicles on privately owned properties within the City of Tolleson is unsightly and constitutes an attractive nuisance to children and a peril to their safety. This article is intended hereby to protect public health and safety and to curb the deterioration of the community environment.

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- (E) No camper/RV, camper trailer, VEHICLE or boat shall be used for residential PURPOSES IN THE CITY OF TOLLESON.

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§ 6-7-4 – Outside Parking or Storage of ~~Licensed~~ Vehicles

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- (B) Licensed OR UNLICENSED vehicles parked on public OR PRIVATE property shall be parked consistent with Article 6-4, Parking Rules, of the Tolleson City Code and so as not to create a hazard, impede the flow of traffic and emergency vehicles or create a nuisance to adjacent properties. The determination of hazard, impedance or nuisance shall be made by the Chief of Police and the Director of the Building Department, or their designees. In instances of imminent danger, the vehicle shall be removed immediately by the owner or shall be removed by the city at the owner's expense.

Section 4. 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 5. 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 6. Providing for Penalties.

For violations of Chapter 6: – Traffic Code, Article 6-3: – Traffic Control:

A person who violates this section is guilty of a class 3 misdemeanor. In addition to or in lieu of a fine pursuant to this section, a judge may order a person to perform at least eight (8) but not more than 24 hours of a community restitution course or to complete an approved safety course related to the off-highway operation of motor vehicles, or both.

For violations of Chapter 6: – Traffic Code, Article 6-4: – Parking Rules:

As set forth in Section 1-1-8 of the Tolleson City Code, any violation of or failure or refusal to do or perform any act required by Chapter 6 of this code constitutes a civil traffic violation. Civil traffic violations are subject to the provisions of A.R.S. Title 28, Chapter 5, Articles 3 and 4, and amendments thereto. Hearings and appeals shall be conducted in accordance with the Arizona Rules of Procedure in Civil Traffic Cases.

For violations of Chapter 6: – Traffic Code, Article 6-7: – Abandoned, Junk and Storage Of Vehicles:

Every owner, tenant, lessee, occupant, or other person in violation of this Ordinance shall be guilty of a class 1 misdemeanor. Upon conviction, such person may be punished by imprisonment for up to six (6) months, a fine not to exceed two thousand five hundred dollars (\$2,500), and/or probation not to exceed three (3) years in accordance with Section 6-7-11 of the Tolleson City Code. Each day that a violation continues shall constitute a separate offense. The imposition of any penalty shall not exempt the offender from compliance with the requirements of Chapter 6.

Section 7. 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