

ORDINANCE O-23-13

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA, AMENDING THE CODE OF THE CITY OF BISBEE, ARTICLE 9.4 - REMOVAL OF LITTER, SECTION 9.4.1 – DEFINITION, BY REPEALING AND REPLACING SUBSECTION (D) THE DEFINITION FOR “DILAPIDATED BUILDING” AND ADDING A NEW SUBSECTION (E) THE DEFINITION FOR “VACANT AND UNSECURED STRUCTURE”; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the Mayor and Council of the City of Bisbee have the authority to adopt and amend provisions of the City Code by ordinance, as authorized by the City Charter, Section 7.05(a); and,

WHEREAS, applicable State law, as codified at A.R.S § 9-499, directs the governing body of each city and town in this State to adopt by ordinance certain rules to compel the removal of rubbish, trash, weeds, accumulations of debris and dilapidated buildings which constitute a hazard to public health and safety; and,

WHEREAS, it is in the best interests of the City of Bisbee and its citizens to adopt the amendment to the Code of the City of Bisbee, Article 9.4, Section 9.4.1 for the definitions for dilapidated buildings and for vacant and unsecured structures.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA, THAT:

Section 1. The City of Bisbee Code, Article 9.4 - Removal of Litter, Section 9.4.1 – Definition, is hereby amended by repealing and replacing in its entirety Subsection (D) “Dilapidated Building” and adding a new Subsection (E) “Vacant and Unsecured Structure” as set forth below:

ARTICLE 9.4 REMOVAL OF LITTER

9.4.1 Definition

...

D. “Dilapidated Structure” means any of the following, with the Building Official or his designee being designated as the legally inspection authority of the City for purposes of determining a dilapidated structure:

- a) A structure which, thorough neglect or injury, lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that said structure is a hazard to the health, safety, or welfare of the general public.**

b) A structure which is unfit for human occupancy due to the lack of necessary repairs and is considered uninhabitable or is a hazard to the health safety, and welfare of the general public.

c) A structure which is determined to be a "Vacant and Unsecured Structure," for more than three (3) times within any twelve (12) month period.

d) A structure which has been "boarded and secured" for more than six (6) consecutive months in one calendar year.

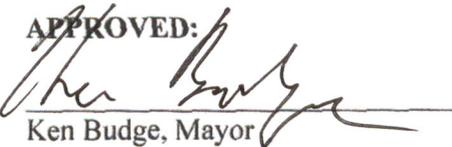
E. "Vacant and Unsecured Structure" means any structure which is not occupied by a legal or equitable owner thereof, or by a lessee of a legal or equitable owner, and into which there are one or more unsecured openings such as broken windows, unlocked windows, broken doors, unlocked doors, holes in exterior walls, holes in the roof or other similar unsecured openings which would facilitate an unauthorized entry into the structure.

Section 2. Providing for Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict with this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

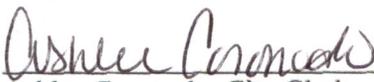
Section 3. Providing for Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED, APPROVED AND ADOPTED by the Mayor and Council of the City of Bisbee on this 5th day of September, 2023.

APPROVED:


Ken Budge, Mayor

ATTEST:


Ashlee Coronado, City Clerk

APPROVED AS TO FORM:


Joseph D. Estes, City Attorney
Gust Rosenfeld, P.L.C.