

**ORDINANCE O-24-12**

**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, CHAPTER 9 “HEALTH AND SANITATION; AND CEMETERY,” ARTICLE 9.4 “REMOVAL OF LITTER,” SECTION 9.4.1 “DEFINITION,” MODIFYING THE DEFINITIONS IN SUBSECTIONS B AND D; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**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 definition for private premises in Subsection B and dilapidated buildings in Subsection D.

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

**Section 1.**     In General.

The City Code of the City of Bisbee is hereby amended by amending, Chapter 9 Health and Sanitation; and Cemetery, Article 9.4 Removal of Litter, Section 9.4.1 Definition, Subsection B Private Premises and Subsection D Dilapidated Building, with additions in all CAPS and deletions in strikethrough as set forth below:

**CHAPTER 9       HEALTH AND SANITATION; AND CEMETERY**

**ARTICLE 9.4       REMOVAL OF LITTER**

**9.4.1   Definition**

...

B. “Private Premises” means any dwelling, house, building, VACANT PARCEL, or other structure, designed, or used wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, or vestibules belonging or appurtenant to such dwelling, house, building, VACANT PARCEL, or other structures.

...

D. "Dilapidated ~~building~~ STRUCTURE" means any building, ~~or~~ structure, SHED, FENCE OR OTHER MAN-MADE STRUCTURE that has any or all of the conditions or defects AS described HEREIN: ~~in paragraphs 4 through 18 of Section 302-~~ "Dangerous Building" of the Uniform Code for the Abatement of Dangerous Buildings, 1997 edition, as previously adopted by the City of Bisbee.

- 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, OR WHICH MAY CAUSE INJURY TO THE HEALTH OF THE OCCUPANTS OF IT OR NEIGHBORING STRUCTURES.
- b) A structure which is unfit for human occupancy due to the lack of necessary repairs AND/OR REQUIRED FACILITIES/UTILITIES and is considered uninhabitable AND/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.

**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.

**Section 4. Providing for Penalties.**

Any person who violates this Ordinance may be prosecuted as a general violation under the City Code, which under Article 1.8 is a Class 1 misdemeanor, and upon conviction thereof punishable by a fine of not to exceed two thousand, five hundred dollars, plus statutory assessments, or by imprisonment for a period not to exceed six months, and any responsible party shall be subject to a general penalty determined by the City Fee Schedule. In addition to any fine or penalty that may be imposed, the responsible party may be subject to an injunction or an

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abatement order and shall also be liable for all costs which may be assessed pursuant to the Article for removing, abating or enjoining any such violation.

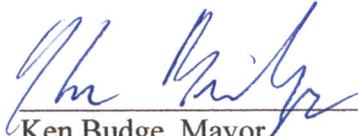
In addition to the general violation penalties above, after notice and failure to abate the condition that constitutes a hazard to public health and safety, as required in any final notice of violation, the City, its officers, agents or contractors, may remove, abate, or cause their removal without further notice.

**Section 5. Effective Date.**

This Ordinance shall be effective from 30 days after the date written below.

**PASSED, APPROVED AND ADOPTED** by the Mayor and Council of the City of Bisbee on this 5<sup>th</sup> day of March, 2024.

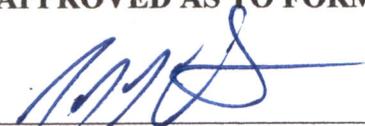
**APPROVED:**

  
\_\_\_\_\_  
Ken Budge, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Ashlee Coronado, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Joseph D. Estes, City Attorney