

**ORDINANCE O-25-04**

**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 12 "TRAFFIC", ARTICLE 12.3 "PARKING", SECTION 12.3.14 "INOPERABLE VEHICLES" ADDING ADDITIONAL REMOVAL PROVISIONS; 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**, 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, Chapter 12, Article 12.3, Section 12.3.14.

**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 12 Traffic, Article 12.3 Parking, Section 12.3.14 Inoperable Vehicles, with additions in all CAPS as set forth below:

**CHAPTER 12     TRAFFIC**

**ARTICLE 12.3    PARKING**

**12.3.14   Inoperable Vehicles**

The following conditions are specifically declared public nuisances, and a danger to the public health:

- A. Parking, storing or leaving on public property any vehicle of any kind, which is inoperative for more than forty-eight consecutive hours upon jacks, blocks or similar equipment, or deflated tires, or on which the chassis, engine or wheels or tires have been removed, or without valid or current registration or which has been dismantled in any fashion. The presence of such vehicle on public property is hereby declared to be a public nuisance. This section shall not apply to any vehicles held in connection with an auto repair enterprise or similar business,

lawfully licensed by the City and properly operated in the appropriate business zone, pursuant to the zoning laws of the City.

- B. A DULY AUTHORIZED AGENT WHO HAS REASONABLE GROUNDS TO BELIEVE THAT A VEHICLE HAS BEEN DECLARED A PUBLIC NUISANCE, ACCORDING TO THIS SECTION MAY REMOVE OR CAUSE THE REMOVAL OF THE VEHICLE.
- C. THE OWNER OF A VEHICLE THAT IS REMOVED OR CAUSED TO BE REMOVED UNDER THIS SECTION IS LIABLE FOR ANY REASONABLE COSTS INCURRED IN TOWING OR STORING THE VEHICLE.
- D. Any person who maintains or commits a public nuisance as governed by provisions of this section, or who willfully omits to perform any legal duty related to the removal of a public nuisance, is guilty of a Class 1 misdemeanor. Each day that a violation is willfully permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with requirements of this section.
- E. FOR ANY VEHICLE REMOVED IN A MANNER PROVIDED IN THIS CHAPTER OR A.R.S. TITLE 28, IT IS PRESUMED THAT THE LAST REGISTERED OWNER OF RECORD IS RESPONSIBLE FOR THE VEHICLE AND COSTS AND IS SUBJECT TO THIS CHAPTER, UNLESS EITHER:
  - (1) AN AFFIDAVIT HAS BEEN FILED THAT THE VEHICLE WAS STOLEN PURSUANT TO A.R.S. § 28-4844.
  - (2) A STOLEN REPORT HAS BEEN ACCEPTED BY A LOCAL LAW ENFORCEMENT AGENCY.
  - (3) A REPORT HAS BEEN FILED PURSUANT TO A.R.S. § 28-2058.

**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. A violation of this Ordinance is subject to the following penalties:

Any person who maintains or commits a public nuisance as governed by provisions of this ordinance, or who willfully omits to perform any legal duty related to the removal of a public nuisance, is guilty of a Class 1 misdemeanor. Each day that a violation is willfully permitted to

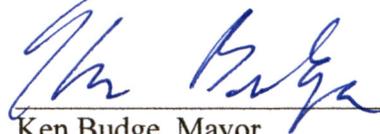
exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with requirements of this section.

**Section 5.** Effective Date.

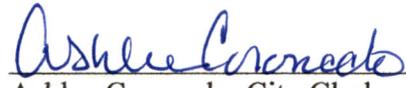
This Ordinance shall be effective from 30 days after the date written below.

**PASSED, APPROVED AND ADOPTED** by the Mayor and Council of the City of Bisbee on this 18<sup>th</sup> day of March, 2025.

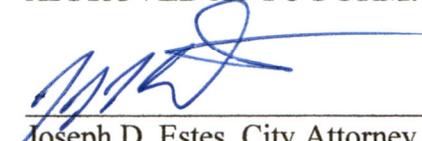
**APPROVED:**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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