

ORDINANCE NO. 621 N.S.

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF TOLLESON, ARIZONA, AMENDING THE TOLLESON CITY CODE, CHAPTER 5, ARTICLE 5-10, BY AMENDING SECTION 5-10-4, VIOLATIONS; PENALTIES, AND ADDING A NEW SECTION 5-10-5, RESIDENTIAL RENTAL COOLING AND HEATING, PERTAINING TO MINIMUM COOLING AND HEATING STANDARDS OF RESIDENTIAL RENTALS; 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 promote the health, safety and welfare of the citizens of Tolleson by establishing minimum standards for the condition and maintenance of residential rental buildings. The intent is to insure that individuals and families do not suffer undue hardship; 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 5, Article 5-10, Section 5-10-4, VIOLATIONS; PENALTIES, Subsections (A), is amended to reads as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

(A) *Violations.*

- (1) It shall be unlawful, punishable by civil sanctions as set forth below, for any owner of residential rental property to fail to perform any act or duty required by any provision of this article.
- (2) When two or more persons have liability to the city or are responsible for a violation of this article, their responsibility shall be joint and several.
- (3) NOTWITHSTANDING, THE CITY MAY ELECT TO PROCEED EITHER CIVILLY OR CRIMINALLY AGAINST ANY PERSON WHO CAUSES, PERMITS, FACILITATES, OR AIDS OR ABETTS ANY VIOLATION OF SECTION 5-10-5. A CRIMINAL VIOLATION SHALL BE DESIGNATED AS A CLASS ONE MISDEMEANOR IN ACCORDANCE WITH SECTION 1-1-8 OF THIS CODE. A CIVIL VIOLATION SHALL BE PUNISHABLE BY NOT LESS THAN ONE HUNDRED DOLLARS (\$100.00) NOR MORE THAN ONE THOUSAND DOLLARS (\$1,000.00).

Section 3. The Tolleson City Code, Chapter 5, Article 5-10, is hereby amended by adding Section 5-10-5, RESIDENTIAL RENTAL COOLING AND HEATING, which shall read as follows:

§ 5-10-5- RESIDENTIAL RENTAL COOLING AND HEATING.

(A) *General provision.*

Every Residential Rental Housing Unit shall contain safe cooling and heating facilities which are properly installed and maintained in sound condition and capable of providing adequate cooling and heating, appropriate for the climate, to assure a comfortable and healthy living environment. For the purposes of this Section, Residential Rental Housing Unit means that portion of a dwelling for which payment or other consideration is being made to an owner, agent or manager for the use or occupancy of that portion as an independent living facility, excluding transient occupancy such as hotels and motels.

(B) *Cooling requirements.*

Every Residential Rental Housing Unit shall have cooling, under the tenant's control, capable of safely cooling all habitable rooms, bathrooms and flush toilet rooms located therein to a temperature no greater than eighty-six degrees (86°) Fahrenheit, if cooled by evaporative cooling, or eighty-two degrees (82°) Fahrenheit, if cooled by air conditioning. Temperature measurements shall be taken at a distance three (3) feet above floor level in the center of the room. Required cooling shall be provided by permanently installed cooling facilities. Except that those air conditioning facilities serving more than one (1) rental housing unit shall only be required to be designed and operating in conformance with manufacturer's specifications.

(C) *Heating requirements.*

Every rental housing unit shall have heating, under the tenant's control, capable of safely heating all habitable rooms, bathrooms and flush toilet rooms located therein to a temperature of at least sixty-eight degrees (68°) Fahrenheit at a distance three (3) feet above floor level in the center of the room. Required heating shall be provided by permanently installed heating facilities.

(D) *Unvented combustion heaters; prohibited.*

No owner, agent or manager shall provide, install or allow to be installed or used any unvented portable space heaters burning solid, liquid or gaseous fuels.

(E) *Cooking appliances as heaters; prohibited.*

No owner, agent or manager shall allow the use of any ovens, stoves or ranges, or other cooking appliances for the purpose of heating any portion of a dwelling.

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 a violation of this Ordinance, the city may elect to proceed either civilly or criminally. A criminal violation shall be designated as a class one misdemeanor and shall be subject to a fine not to exceed two thousand five hundred dollars (\$2,500.00), exclusive of penalty assessments prescribed by law, a sentence of incarceration not to exceed six (6) months in jail, and probation not to exceed three (3) years. Any person who is found responsible for committing a civil code infraction under this Ordinance is subject to a civil sanction of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00).

Section 5. 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 this 27th day of May, 2025.

Juan F. Rodriguez

Juan F. Rodriguez (May 29, 2025 15:14 PDT)

Juan F. Rodriguez, Mayor

ATTEST: Crystal Zamora

Crystal Zamora (May 29, 2025 15:22 PDT)

Crystal Zamora, City Clerk

APPROVED AS TO FORM: Justin Pierce

Justin Pierce (May 29, 2025 16:10 PDT)

Justin Pierce, City Attorney

I, CRYSTAL ZAMORA, CITY CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF ORDINANCE NO. 621 N.S. ADOPTED BY THE COMMON COUNCIL OF THE CITY OF TOLLESON ON THE 27TH DAY OF MAY, 2025, WAS POSTED IN CITY CIVIC CENTER AND ON THE CITY'S WEBSITE, ON THE 30TH DAY OF MAY, 2025.

Crystal Zamora
City Clerk