

ORDINANCE NO. 628 N.S.

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF TOLLESON, ARIZONA, AMENDING THE TOLLESON CITY CODE, CHAPTER 8 HEALTH AND SANITATION, BY ADDING ARTICLE 8-7 TREES, TO PROVIDE FOR THE REGULATION OF MUNICIPAL TREES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, Arizona Revised Statutes (A.R.S.) § 9-240(B)(9) authorizes the City of Tolleson (the “City”) to adopt and maintain regulations governing the planting, protection and maintenance of trees within the City’s public grounds and rights-of-way; and,

WHEREAS, the City recognizes that trees are a valuable part of the community infrastructure and that well-maintained trees enhance the comfort of the community by providing shade, preventing erosion, moderating temperatures, reducing storm water runoff, absorbing air pollution and dust, and reducing energy needs; and,

WHEREAS, the City recognizes that well-maintained trees increase property values, enhance the economic vitality of business areas, beautify the community wherever they are planted, and are a source of joy and spiritual renewal; and,

WHEREAS, the City recognizes that accepted industry standards exist for the maintenance and care of urban trees, and that promoting these standards significantly increases overall tree health and reduces liability and risk, ensuring that the community forest will increase in value and benefits provided; and,

WHEREAS, the City recognizes that this Code amendment is critical to earn recognition as a “Tree City, USA,” as bestowed by the National Arbor Day Foundation, a designation that will increase the opportunity for the City to pursue and successfully obtain grant funding specific to the establishment, promotion, and management of the community forest; and,

WHEREAS, the City desires to amend the City Code to provide for the regulation of City trees.

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 8, Health and Sanitation, is hereby amended by adding a new Article 8-7: Trees, to read as follows:

CHAPTER 8: - HEALTH AND SANITATION

ARTICLE 8-7: - TREES

§ 8-7-1 - Purpose.

(A) This Article is enacted to further the following public purposes:

- (1) To promote efficient and cost-effective management of the City's urban forest;
- (2) To foster community support for the City's urban forestry programs and encourage good tree management on privately-owned properties by conducting an ongoing program of public outreach and education in order to promote public understanding of the City's urban forest;
- (3) To obtain and maintain status as a "Tree City, USA", by the National Arbor Day Foundation, a designation that will increase opportunities for the City to pursue and successfully obtain grant funding specific to the establishment, promotion, and management of our urban forest.

§ 8-7-2 - Definitions.

- (A) "Street Trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the City.
- (B) "Park Trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the City, or to which the public has free access as a park.
- (C) "Removal" shall mean any intentional or negligent moving, carrying away, elimination or taking away of part or all of a tree.

§ 8-7-3 - Applicability and Administration.

- (A) This ordinance is applicable to all municipal trees on property owned or maintained by the City of Tolleson, including public rights-of-way, parks, retention basins, and other facilities.
- (B) The City of Tolleson Field Operations shall be responsible for routine administrative duties related to this Article and for the care and management of municipal trees.

- (C) All officers and investigators of the city Police and Fire Departments, the city building official, code enforcement officers, building inspectors, code enforcement specialists, and the city arborist are authorized to issue notices to comply and citations for violations of this code within City jurisdiction.

§ 8-7-4 - Duties and Responsibilities.

- (A) It shall be the responsibility of the City of Tolleson Field Operations to study, investigate, counsel and develop and/or update every ten (10) years, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas.
- (B) The City of Tolleson Field Operations shall make all reasonable and necessary efforts to facilitate the City of Tolleson achieving and maintaining "Tree City USA" status through the Arbor Day Foundation, and when requested by the City Council, shall consider, investigate, make finding, report and recommend upon any special matter or question coming within the scope of its work.

§ 8-7-5 - Public Tree Care.

- (A) The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The City may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest.
- (B) With the exception of required maintenance, no person shall damage, cut, carve, attach any rope, wire, nails, advertising posters, or other contrivance to any municipal tree; allow any gaseous, liquid, chemical, or solid substance that is harmful to municipal trees to come in contact with them; or set fire or permit fire to burn when such fire or the heat will injure any portion of any municipal tree.

§ 8-7-7 - Penalty.

- (A) Unless otherwise specifically provided for in this Article, any person or corporation who shall violate any provision of this Article shall be deemed guilty of a class 1 misdemeanor, and shall be punished as provided in § 1-1-8 of this Code.

Section 3. 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 4. 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 5. Providing for Penalties.

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

- (A) Unless otherwise specifically provided for in this ordinance, any person or corporation who shall violate any provision of this ordinance shall be deemed guilty of a class 3 misdemeanor, and shall be punished as provided in § 10-99 of this Code.

PASSED AND ADOPTED by the Mayor and Council of the City of Tolleson, Arizona, on this 4th day of December, 2025.

Juan F. Rodriguez

Juan F. Rodriguez (Dec 8, 2025 09:44:13 MST)

Juan F. Rodriguez, Mayor

ATTEST: Crystal Zamora

Crystal Zamora (Dec 8, 2025 09:45:41 MST)

Crystal Zamora, City Clerk

APPROVED AS TO FORM: Justin Pierce

Justin Pierce (Dec 8, 2025 09:35:00 PST)

Justin Pierce, City Attorney

I, CRYSTAL ZAMORA, CITY CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF ORDINANCE NO. 628 N.S. ADOPTED BY THE COMMON COUNCIL OF THE CITY OF TOLLESON ON THE 4TH DAY OF DECEMBER, 2025, WAS POSTED IN CITY CIVIC CENTER AND ON THE CITY'S WEBSITE, ON THE 8TH DAY OF DECEMBER, 2025.

Crystal Zamora
City Clerk