



City of Tolleson

Residential Demolition Guidelines 2021



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Program Description

The City of Tolleson Residential Demolition Program (the “Program”) is to be funded initially by City General Funds. The Program’s goals include:

- Eliminating blighted conditions and safety hazards in Tolleson neighborhoods;
- Enhancing overall community wellness and the City’s appearance; and
- Reducing the likelihood of criminal activity by removing vacant and dilapidated structures.

A. Eligibility for Program Participation

Properties identified by the City have first priority for demolition. Property owners may also apply to the program online at tolleson.az.gov or by completing an application in person at City Hall, 9555 West Van Buren, Tolleson, AZ 85353.

To be eligible for this Program, the property must be:

- A residential property;
- Vacant for at least 90 days or more; and
- A property that the City Building Inspector has determined to be “blighted,” as described in Appendix A.

The City’s Building Inspector and Code Compliance Officer will play a key role in referring property owners for the Program. The property owner is responsible to maintain the property to comply with all local, state, and federal codes.

The City has the discretion to refer owners to the Program based on the presence of blighted conditions and the potential safety risk the property poses to the community. A referral to the Program is not a guarantee of qualification for the Program.

B. Selecting Demolition Cases

To determine a property's eligibility status, City staff will perform an on-site evaluation of each property to determine if it is blighted and if the building is structurally unsound. If a property qualifies for the Program, the property will be placed on a list of eligible properties. The City will, on an ongoing basis and as funds become available, review the properties on the demolition list and select properties for demolition. Priority will be given to properties:

- That are in immediate danger of collapsing;
- That are burned out;
- In which criminal activity occurs;
- That have lost their non-conforming use status and/or cannot be redeveloped due to new zoning and setback requirements;
- That generate considerable neighborhood concern; or
- That present an eyesore and are highly visible on major roads.

C. Application and Demolition Process

Property owners must complete the Program application. Upon receipt of an application, staff will review public records to verify the current property owner and any liens.

All demolitions performed through the Program will be completed through a direct contract between the City and a demolition contractor chosen by the City, who will secure all permits and insurance as appropriate and required. The City, through City funds or other funding sources, will pay all of

the costs of the demolition project, except as set forth below. These costs may include, but are not limited to:

- Obtaining required permits, as required by applicable laws and regulations;
- Testing for hazardous materials, as required by applicable laws and regulations;
- Removing and abating any hazardous materials;
- Demolishing the dilapidated structures, and;
- Clearing of any debris on the property.

After the total cost of the demolition project has been established, but before demolition work begins, Program participants will be required to either sign a lien with the City or provide matching funds in cash.

Where matching funds are required, Program participants must provide an amount in cash equal to **25%** of the entire project cost.

If a Program participant does not have the financial means to provide the 25% match, the participant must agree to allow the City to lien the real property for 25% of the entire project cost. If The Program participant must repay the 25% invested funds at the time there is a change of ownership or when the property is developed.

The City reserves the right to waive the 25% match and/or lien requirement for parcels that are unlikely to be available for redevelopment based on current zoning and setback requirements.

D. Lead-Based Paint/Asbestos Testing and Mitigation

The City will be responsible for any required lead-based paint and asbestos testing of the structure prior to demolition and, if test results indicate that lead-based paint and/or asbestos is present, the demolition contractor will arrange for mitigation prior to demolition.

E. Demolition Asbestos and Dust Control Permits

The demolition contractor will be responsible for obtaining the all necessary permits through Maricopa County's Air Quality Department and for compliance with all County demolition asbestos and dust control requirements. The contractor will take all actions necessary to mitigate dust while performing the demolition.

F. Property Owner Requirements

It shall be the owner's responsibility to notify all relevant utility companies (water, sewer, gas, electric, phone, cable, etc.) that service to the property must be disconnected, abandoned, and terminated prior to demolition (e.g., gas line at the property line abandoned, the electric rolled back to main line, etc.). The owner is responsible for obtaining verification from the utility companies stating the service(s) have been disconnected, abandoned and/or terminated. The City may require that the owner present this verification to the City before demolition begins.

After demolition is complete, the owner assumes all responsibility for ensuring the property is maintained, including abatement of weeds and ensuring the site remains free of debris. The City will monitor the property on an ongoing basis.

APPENDIX A

“Blighted property” shall include:

1. Any premises which, because of physical condition or use, is regarded as a public nuisance at common law or has been declared a public nuisance in accordance with local housing, building, plumbing, fire and related codes.
2. Any premises which, because of physical condition, use or occupancy, is considered an attractive nuisance to children, including but not limited to, abandoned wells, shafts, excavations, and unsafe fences or structures.
3. Any dwelling which, because it is dilapidated, unsanitary, unsafe, vermin infested, or lacking in the facilities and equipment required by the Housing Code of the City, has been designated by the City’s Building Inspector as unfit for human habitation.
4. Any structure which is a fire hazard, or is otherwise dangerous to the safety of persons or property.
5. Any structure from which the utilities, plumbing, heating, sewage, or other facilities have been disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use.
6. Any vacant or unimproved lot or parcel of ground in a predominately built-up neighborhood, which by reason of neglect or lack of maintenance has become a place for accumulation of trash and debris, or a haven for rodents or other vermin.
7. Any property which is vacant for 90 days or more and which is not deemed to be eligible for rehabilitation.
8. Any structure in which regular or serious criminal activity occurs.