

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AMENDING ZONING ORDINANCE, MESA CITY CODE TITLE 11, CHAPTERS 6, 7, 8, 31, AND 86 PERTAINING TO FLEET-BASED SERVICES AND SERVICE STATIONS. THE AMENDMENTS INCLUDE, BUT ARE NOT LIMITED TO: ADDING DEFINITIONS FOR FLEET-BASED SERVICES, ACCESSORY FLEET-BASED SERVICES, HEAVY FLEET-BASED SERVICES, AND ACCESSORY ELECTRIC VEHICLE CHARGING; MODIFYING DEFINITIONS FOR LIGHT FLEET-BASED SERVICES AND SERVICE STATIONS; ADDING HEAVY FLEET-BASED SERVICES, ACCESSORY ELECTRIC VEHICLE CHARGING, AND RELATED FOOTNOTES TO LAND USE TABLES; MODIFYING SECTION 11-31-25 TITLED, "SERVICE STATIONS"; ADDING SECTION 11-31-40 TITLED, "FLEET-BASED SERVICES" PROVIDING PENALTIES FOR THE VIOLATIONS THEREOF; AND PRESERVING RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS WHICH HAVE ALREADY BEGUN THEREUNDER.

WHEREAS, the City of Mesa has adopted a Zoning Ordinance to promote the public health, safety, and general welfare.

WHEREAS, the City periodically updates the Zoning Ordinance to address evolving land uses, emerging technologies, and changing market conditions.

WHEREAS, the growth of electric vehicle (EV) infrastructure, logistics and delivery services, and fleet-based operations has created a need for clearer definitions and regulations within the Zoning Ordinance.

WHEREAS, the City desires to distinguish between public-serving fueling and charging uses and private fleet-based operations in order to ensure appropriate land use compatibility and zoning treatment.

WHEREAS, the proposed text amendment establishes and refines use classifications for Fleet-Based Services, including Light and Heavy Fleet-Based Services, and clarifies their applicability across commercial, employment, and downtown zoning districts.

WHEREAS, the amendment introduces standards to regulate the location, screening, and operational characteristics of fleet-based uses to minimize impacts on surrounding properties, particularly residential uses.

WHEREAS, the amendment also establishes clear limitations and standards for Accessory Electric Vehicle Charging to ensure such uses remain incidental to a principal use and do not displace required parking.

WHEREAS, the amendment refines the definition and operational standards for Service Stations to distinguish them from fleet-based fueling and charging operations.

WHEREAS, these updates improve clarity, consistency, and predictability within the Zoning Ordinance and better align regulations with contemporary development patterns and technologies.

WHEREAS, on June 24, 2026, the Planning and Zoning Board recommended that the City Council   the proposed amendments.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

Section 1: That Mesa City Code Title 11, Table 11-6-2: Commercial Districts is hereby amended as follows:

<b>Table 11-6-2: Commercial Districts</b>						
<b>Proposed Use</b>	<b>NC</b>	<b>LC</b>	<b>GC</b>	<b>OC</b>	<b>MX</b>	<b>Additional Use Regulations</b>
...						
<b>Commercial Use Classifications</b>						
...						
<b>FLEET-BASED SERVICES</b>						
<b>HEAVY FLEET-BASED SERVICES</b>	—	—	<b>CUP</b>	—	—	<b>SECTION 11-31-40, FLEET-BASED SERVICES</b>
<b>LIGHT FLEET-BASED SERVICES</b>	—	<b>P</b>	<b>P</b>	—	—	
...						
Light Fleet Based Services	—	—	<b>P</b>	—	—	
...						
<b>Specific Accessory Uses</b>						
...						
<b>ACCESSORY ELECTRIC VEHICLE CHARGING</b>	<b>P (32, 33)</b>	<b>P (32, 33)</b>	<b>P (32, 33)</b>	<b>P (32, 33)</b>	<b>P (32, 33)</b>	
...						

<b>Table 11-6-2: Commercial Districts</b>						
<b>Proposed Use</b>	<b>NC</b>	<b>LC</b>	<b>GC</b>	<b>OC</b>	<b>MX</b>	<b>Additional Use Regulations</b>
<b>ACCESSORY FLEET-BASED SERVICES</b>	—	<b>P</b>	<b>P</b>	—	—	<b>SECTION 11-31-40, FLEET-BASED SERVICES</b>
...						
<b>Notes.</b>						
...						
<b>32. ACCESSORY ELECTRIC VEHICLE CHARGING SPACES SHALL NOT OCCUPY MORE THAN 20% OF THE REQUIRED ON-SITE PARKING UNLESS A PARKING STUDY DEMONSTRATES THAT ADDITIONAL PARKING EXISTS. IN SUCH CASES, EXCESS PARKING SPACES MAY BE CONVERTED TO ACCESSORY VEHICLE PARKING.</b>						
<b>33. ANY REQUIRED LANDSCAPING REMOVED AS A RESULT OF EVSE INSTALLATION SHALL BE REPLACED ELSEWHERE ON THE SITE TO MAINTAIN COMPLIANCE WITH THE LANDSCAPING REQUIREMENTS OF THIS ORDINANCE.</b>						

Section 2: That Mesa City Code Title 11, Table 11-7-2: Employment Districts is hereby amended as follows:

<b>Table 11-7-2: Employment Districts</b>						
<b>Proposed Use</b>	<b>PEP</b>	<b>LI</b>	<b>GI</b>	<b>HI</b>	<b>Additional Use Regulations</b>	
...						
<b>Commercial Use Classifications</b>						
...						
<b>FLEET-BASED SERVICES</b>						
<b>HEAVY FLEET-BASED SERVICES</b>	—	<b>CUP</b>	<b>P</b>	<b>P</b>		

<b>LIGHT FLEET-BASED SERVICES</b>	—	<b>P</b>	<b>P</b>	<b>P</b>	<b>SECTION 11-31-40, FLEET-BASED SERVICES</b>
...					
<del>Light Fleet-Based Services</del>	—	<del>P</del>	<del>P</del>	<del>P</del>	
...					
<b>Specific Accessory Uses and Facilities</b>					
...					
<b>ACCESSORY ELECTRIC VEHICLE CHARGING</b>	<b>P (23, 24)</b>	<b>P (23, 24)</b>	<b>P (23, 24)</b>	<b>P (23, 24)</b>	
...					
<b>ACCESSORY FLEET-BASED SERVICES</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>SECTION 11-31-40, FLEET-BASED SERVICES</b>
...					
<b>Notes.</b>					
...					
<p><b>23. ACCESSORY ELECTRIC VEHICLE CHARGING SPACES SHALL NOT OCCUPY MORE THAN 20% OF THE REQUIRED ON-SITE PARKING UNLESS A PARKING STUDY DEMONSTRATES THAT ADDITIONAL PARKING EXISTS. IN SUCH CASES, EXCESS PARKING SPACES MAY BE CONVERTED TO ACCESSORY VEHICLE PARKING.</b></p>					
<p><b>24. ANY REQUIRED LANDSCAPING REMOVED AS A RESULT OF EVSE INSTALLATION SHALL BE REPLACED ELSEWHERE ON THE SITE TO MAINTAIN COMPLIANCE WITH THE LANDSCAPING REQUIREMENTS OF THIS ORDINANCE.</b></p>					

Section 3: That Mesa City Code Title 11, Table 11-8-2: Downtown Districts is hereby amended as follows:

**Table 11-8-2: Downtown Districts**

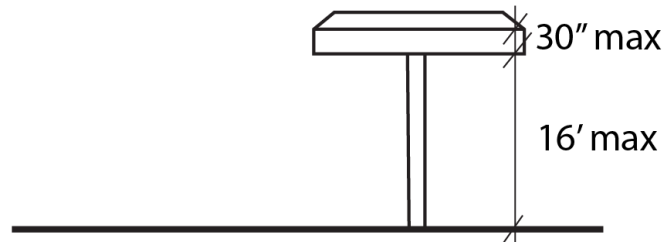
Proposed Use	DR-1	DR-2	DR-3	DB-1	DB-2	DC	Additional Use Regulations
...							
<b>Commercial Use Classifications</b>							
...							
Light Fleet-Based Services	—	—	—	—	P	CUP	<b>SECTION 11-31-40, FLEET-BASED SERVICES</b>
...							
<b>Specific Accessory Uses and Facilities</b>							
...							
<b>ACCESSORY ELECTRIC VEHICLE CHARGING</b>	—	—	—	P (18, 19)	P (18, 19)	P (18, 19)	
<b>ACCESSORY FLEET-BASED SERVICES</b>	—	—	—	—	P	P	<b>SECTION 11-31-40, FLEET-BASED SERVICES</b>
...							
<b>Notes:</b>							
...							
<p><b>18. ACCESSORY ELECTRIC VEHICLE CHARGING SPACES SHALL NOT OCCUPY MORE THAN 20% OF THE REQUIRED ON-SITE PARKING UNLESS A PARKING STUDY DEMONSTRATES THAT ADDITIONAL PARKING EXISTS. IN SUCH CASES, EXCESS PARKING SPACES MAY BE CONVERTED TO ACCESSORY VEHICLE PARKING.</b></p>							
<p><b>19. ANY REQUIRED LANDSCAPING REMOVED AS A RESULT OF EVSE INSTALLATION SHALL BE REPLACED ELSEWHERE ON THE SITE TO MAINTAIN COMPLIANCE WITH THE LANDSCAPING REQUIREMENTS OF THIS ORDINANCE.</b></p>							

Section 4: That Mesa City Code Title 11, Section 11-31-25: Service Stations is hereby amended as follows:

**11-31-25: - SERVICE STATIONS**

Service Stations, as described in Section 11-86-4, shall be located, developed, and operated in compliance with the land use regulations in Article 2 and the following standards:

- A. **Location.** ~~A Maximum number~~ of **TWO (2)** service stations **SHALL BE** permitted at an **arterial intersection-is total of 2.**
- B. **Minimum Frontage.** **A MINIMUM OF 100 feet OF FRONTAGE SHALL BE PROVIDED** on each **Street.**
- C. **FUEL Pump Canopy.** ~~Pump islands shall be covered by a canopy that matches or complements the design of the main structure.~~
  - 1. **CANOPY DESIGN.** **PUMP ISLANDS SHALL BE COVERED BY A CANOPY THAT MATCHES OR COMPLEMENTS THE DESIGN OF THE PRIMARY BUILDING OR STRUCTURE WHEN PRESENT.**
  - 2. **MAXIMUM CANOPY CLEARANCE HEIGHT.** **THE MAXIMUM HEIGHT OF THE SERVICE STATION CANOPY SHALL BE 16 FEET.**
  - 3. **MAXIMUM CANOPY FASCIA WIDTH.** **THE MAXIMUM WIDTH OF THE CANOPY FASCIA SHALL BE 30 INCHES. THE CANOPY FASCIA SHALL MATCH THE COLOR AND TEXTURE OF THE PRIMARY BUILDING.**



**FIGURE 11-31-25.C: PUMP FUELING CANOPY DIMENSIONS**

- D. **ELECTRIC VEHICLE CHARGING SHADE STRUCTURE DESIGN.** **WHERE PROVIDED, SHADE STRUCTURES SERVING ELECTRIC VEHICLE CHARGING SPACES SHALL COMPLEMENT THE ARCHITECTURAL CHARACTER OF THE SITE AND BE COMPATIBLE WITH THE DESIGN OF ANY PRIMARY BUILDING OR STRUCTURE. SHADE STRUCTURES, INCLUDING SOLAR CANOPIES, SHALL UTILIZE MATERIALS, COLORS, AND DESIGN FEATURES THAT CONTRIBUTE TO A COHESIVE AND INTEGRATED SITE DESIGN.**
- ~~D~~E. **Landscaping.** ~~Landscaping shall comprise a minimum OF 10-percent% of the site area, exclusive of required Setbacks-~~**LANDSCAPE YARDS** ~~and include an irrigation system that is permanent, below grade, and activated by automatic timing controls.~~
- ~~E~~F. **Fencing.** **Masonry only.**

**FG. Lighting.** All exterior light sources, including canopy, perimeter, and flood, shall be stationary, and shielded or recessed within the roof canopy to ensure that all light is directed away from adjacent properties and public Rights Of Way. No lens of any lighting fixture may extend below the shielding device. Lighting shall not be of a high intensity so as to cause a traffic hazard, be used as an advertising element, or adversely affect adjacent properties. **IN ADDITION TO THE REQUIREMENTS OF SECTION 11-30-5 (LIGHTING AND ILLUMINATION), THE FOLLOWING STANDARDS SHALL APPLY TO SERVICE STATION LIGHTING:**

- 1. FUEL PUMP CANOPY LIGHTING FIXTURES.** LIGHTING FIXTURES LOCATED WITHIN FUEL PUMP CANOPIES SHALL BE RECESSED INTO THE CANOPY CEILING WITH A FLAT LENS FLUSH TO THE CEILING SURFACE. LIGHTING FIXTURES SHALL NOT BE MOUNTED ON THE TOP OR SIDES OF THE CANOPY.
- 2. ELECTRIC VEHICLE CHARGING AREAS.** ELECTRIC VEHICLE CHARGING AREAS SHALL PROVIDE ADEQUATE LIGHTING TO SUPPORT SAFETY, VISIBILITY, AND SECURITY DURING OPERATING HOURS. LIGHTING MAY BE INTEGRATED INTO CANOPIES, SHADE STRUCTURES, CHARGING EQUIPMENT, OR OTHER SITE FEATURES.
- 3. ILLUMINATION LEVELS ADJACENT TO RESIDENTIAL.** LIGHTING FIXTURES LOCATED WITHIN 150 FEET OF A RESIDENTIAL ZONING DISTRICT OR RESIDENTIAL USE SHALL NOT EXCEED 20 FOOTCANDLES.

**H. QUEUING AND STACKING.** REQUIRED QUEUING SHALL NOT IMPEDE INGRESS TO OR EGRESS FROM THE SITE, BLOCK VEHICULAR ACCESS TO DRIVE AISLES OR OTHER FUELING POSITIONS, OR EXTEND INTO THE PUBLIC RIGHT-OF-WAY AND SHALL BE DESIGNED AS FOLLOWS:

- 1. FUEL PUMP ISLANDS SHALL BE DESIGNED TO PROVIDE A MINIMUM OF 20 FEET OF STACKING DISTANCE ON BOTH SIDES OF EACH FUEL PUMP ISLAND, WITH STACKING LOCATED AT EACH END.**
- 2. FOR ONE-WAY CIRCULATION FACILITIES, A MINIMUM OF 36 FEET OF STACKING DISTANCE SHALL BE PROVIDED ON THE APPROACH END OF EACH FUEL PUMP ISLAND.**
- 3. MODIFICATIONS TO THE STACKING REQUIREMENTS FOUND IN THIS SECTION MAY BE APPROVED THROUGH THE DEVELOPMENT PLAN REVIEW PROCESS IF THE PLANNING DIRECTOR OR THEIR DESIGNEE DETERMINES, BASED ON AN ONSITE CIRCULATION AND STACKING STUDY, THAT THE PROPOSED MODIFICATIONS TO THE STACKING REQUIREMENTS ARE SUFFICIENT TO MEET THE DEMANDS OF THE DEVELOPMENT, INCLUDING SITE-SPECIFIC CONDITIONS, CHARGING TECHNOLOGY, DEMONSTRATED DEMAND, AND THE TRAFFIC CIRCULATION.**

**I. SEPARATION FROM RESIDENTIAL USES AND RESIDENTIAL DISTRICTS.**

1. **A 100-FOOT DISTANCE MUST BE PROVIDED BETWEEN FUEL PUMPS AND ELECTRIC CHARGING STATIONS AND ANY RESIDENTIAL USE OR PROPERTY ZONED WITH A RESIDENTIAL DISTRICT (I.E., RS, RSL, RM).**
2. **THE PLANNING DIRECTOR, OR THEIR DESIGNEE, MAY APPROVE A DISTANCE LESS THAN 100 FEET IF A SOUND STUDY SUBMITTED BY THE APPLICANT DEMONSTRATES THAT THE NOISE LEVEL AT THE PROPERTY LINE WILL NOT EXCEED 60 DB.**
3. **IF THE AMBIENT NOISE LEVEL EXCEEDS 60 DB, THE NOISE STUDY MUST DEMONSTRATE THAT THE SERVICE STATION WILL NOT INCREASE THE EXISTING NOISE LEVEL.**

**GJ. Litter.** A minimum of **ONE (1)** permanent, non-flammable trash receptacle shall be installed ~~at each pump island~~ **EVERY FOUR (4) FUELING OR CHARGING PUMPS/STATIONS.**

**HK. Criteria for Review of Special Use Permit.** When a Special Use Permit is required, the approving body shall find that the project conforms to all of the following:

1. The project complies with the General Plan, and any other applicable plans and/or policies.
2. A Plan of Operation has been submitted, which includes, but is not limited to, acceptable evidence of compliance with all zoning, building, and fire safety regulations.
3. A "Good Neighbor Policy" in narrative form has been submitted, which includes, but is not limited to, descriptions of acceptable measures to ensure ongoing compatibility with adjacent uses, including sound attenuation, lighting control measures, and vehicular access and traffic control. Such policies shall include, but are not limited to:
  - a. The name and telephone number of the position, manager or person responsible for the operation of the facility;
  - b. Complaint response procedures, including investigation, remedial action, and follow-up; and
  - c. Litter control measures.
4. Evidence that the building or site is in or will be brought into substantial conformance with all current City Development Standards, including, but not limited to, landscaping, parking, screen walls, signage, and project-specific design guidelines.
5. Evidence that the project is designed to:
  - a. Provide paved parking and on-site circulation in a manner that minimizes impacts on adjacent sites; and
  - b. Minimize dust, fugitive light, glare, noise, offensive smells, and traffic impacts on neighboring residential sites.

**Section 5:** That Mesa City Code Title 11, Chapter 86, Section 11-86-4, Commercial Use Classifications, is hereby amended only to add the use type "Accessory Electric Vehicle Charging," and to modify the use type "Service Stations" which shall be arranged in alphabetical order under the heading "Automobile/Vehicle Sales and Services" and to add a use type "Fleet-Based Services," add a use type "Accessory Fleet-Based Services," add a use type "Heavy Fleet-Based Services," and modify the use type

“Light Fleet-Based Services” which shall be arranged alphabetically under “Fleet-Based Services” within Section 11-86-4, and the remainder of Section 11-86-4 remains the same.

**Automobile/Vehicle Sales and Services:**

...

**ACCESSORY ELECTRIC VEHICLE CHARGING. THE PROVISION OF ELECTRIC VEHICLE CHARGING EQUIPMENT WITHIN AN ON-SITE PARKING LOT OR PARKING STRUCTURE. SUCH FACILITIES SHALL BE INCIDENTAL AND SUBORDINATE TO A PERMITTED PRINCIPAL USE ON THE SAME SITE.**

**Service Station.** ~~Establishments primarily engaged in retailing automotive fuels or retailing these fuels in combination with activities, such as providing repair services; selling automotive oils, replacement parts, and accessories; and/or providing food services.~~ **AN ESTABLISHMENT THAT PROVIDES FUELING AND/OR CHARGING SERVICES FOR MOTOR VEHICLES, INCLUDING THE DISPENSING OF GASOLINE, DIESEL, OR ELECTRICITY VIA ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE). THE USE MAY INCLUDE ACCESSORY RETAIL SALES, CONVENIENCE STORES, AND MINOR VEHICLE SERVICING, MAINTENANCE, OR REPAIR ACTIVITIES (E.G., TIRE INFLATION, FLUID REPLACEMENT) BUT SHALL NOT INCLUDE ANY MAJOR VEHICLE SERVICING, MAINTENANCE, OR REPAIR ACTIVITIES, AS DEFINED IN CHAPTER 86. A SERVICE STATION MAY INCLUDE FUEL PUMPS, ELECTRIC VEHICLE CHARGING STATIONS, CANOPIES, AND RELATED EQUIPMENT, AND MAY BE OPERATED WITH OR WITHOUT AN ENCLOSED BUILDING. THIS USE IS INTENDED TO SERVE THE GENERAL PUBLIC AND SHALL NOT INCLUDE FACILITIES DEDICATED TO FLEET FUELING OR CHARGING OPERATIONS.**

...

**FLEET-BASED SERVICES. A SITE OR PORTION OF A SITE USED PRIMARILY FOR THE PARKING, STORAGE, STAGING, FUELING, CHARGING, AND/OR DISPATCH OF VEHICLES (GROUND- OR AERIAL-BASED), OPERATED IN CONNECTION WITH PASSENGER TRANSPORTATION SERVICES, LOCAL DELIVERY SERVICES, MEDICAL TRANSPORT, OR SIMILAR BUSINESSES THAT OPERATE MORE THAN FIVE (5) VEHICLES (GROUND- OR AERIAL-BASED) AS PART OF THEIR DAY-TO-DAY OPERATIONS. THIS USE MAY INCLUDE ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE), CHARGING INFRASTRUCTURE, TRANSFORMERS AND UTILITY EQUIPMENT, CANOPIES, ACCESSORY OFFICE SPACE, AND RELATED SUPPORT FUNCTIONS. THIS USE DOES NOT INCLUDE TOWING AND IMPOUND OPERATIONS, VEHICLE SALES, DISMANTLING, MAJOR REPAIR, OUTDOOR STORAGE, AIRPORT, OR HELIPORT ACTIVITIES.**

**ACCESSORY FLEET-BASED SERVICES. A FLEET-BASED SERVICE THAT IS CLEARLY INCIDENTAL AND SUBORDINATE TO A PRINCIPAL USE LOCATED ON THE SAME LOT OR PARCEL AND THAT SERVES ONLY THE OPERATIONAL NEEDS OF THE PRINCIPAL USE.**

**AN ACCESSORY FLEET-BASED SERVICE SHALL NOT CONSTITUTE THE PRINCIPAL USE OF THE PROPERTY; FUNCTION AS AN INDEPENDENT FLEET PARKING, STORAGE, STAGING, CHARGING, FUELING, MAINTENANCE OR DISPATCH FACILITY;**

**OR PROVIDE FLEET SERVICES TO AN OFF-SITE BUSINESS. THE AREA DEVOTED TO THE ACCESSORY FLEET-BASED SERVICE SHALL REMAIN SUBORDINATE IN SCALE AND SHALL NOT OCCUPY AN AREA GREATER THAN THE PRINCIPAL USE.**

**Light Fleet-Based Services.** ~~Passenger transportation services, local delivery services, medical transport, and other businesses that rely on fleets of 3 or more vehicles with rated capacities less than 10,000 lbs. This classification includes parking, dispatching, and offices for taxicab and limousine operations, ambulance services, non-emergency medical transport, local messenger and document delivery services, home cleaning services, and similar businesses. This classification does not include towing operations (See Automobile/Vehicle Sales and Service, Towing and Impound) or taxi or delivery services with 2 or fewer fleet vehicles on site (See Business Services).~~ **A FLEET-BASED SERVICE CONSISTING OF GROUND-BASED OR AERIAL-BASED VEHICLES WITH RATED CAPACITIES OF LESS THAN 10,000 POUNDS, INVOLVING NO MORE THAN 50 VEHICLES, AND OCCUPYING LESS THAN 10,000 SQUARE FEET OF FLEET PARKING, STORAGE, STAGING, CHARGING, OR DISPATCHING AREA.**

**HEAVY FLEET-BASED SERVICES. A FLEET-BASED SERVICE CONSISTING OF GROUND-BASED OR AERIAL-BASED VEHICLES THAT: (A) HAVE A RATED CAPACITY OF 10,000 POUNDS OR MORE; (B) INVOLVE MORE THAN 50 VEHICLES; OR (C) OCCUPY 10,000 OR MORE SQUARE FEET OF FLEET PARKING, STORAGE, STAGING, CHARGING, OR DISPATCHING AREA.**

Section 6: STANDARDS FOR FLEET SERVICES: ADOPTION BY REFERENCE. That the certain document titled “Section 11-31-40: Fleet-Based Services,” which was made a public record on July 20, 2026, by Resolution No. ~~-----~~, of the City of Mesa, Maricopa County, Arizona, three copies of which are on file and available for public use and inspection with the City Clerk, is hereby adopted by reference and made a part hereof as if fully set forth in this Ordinance, and its provisions declared to be inserted into the following section of Title 11 of the Mesa City Code: Section 11-31-40 titled “Fleet-Based Services.”

Section 7: RECITALS. The recitals above are fully incorporated in this Ordinance by reference, and each recital represents a finding of fact and determination made by the City Council.

Section 8: Amended Language. In the sections of this Ordinance that modify the current language of the Mesa City Code (i.e., Sections 1, 2, 3, 4, and 5) new language is shown in **BOLD ALL CAPS** and deleted language is shown in ~~striketrough~~.

Section 9: PRESERVATION OF RIGHTS AND DUTIES. This Ordinance does not affect suits pending, rights and duties that matured or were existing, or penalties that were incurred or proceedings that were initiated prior to the effective date of this Ordinance.

Section 10: EFFECTIVE DATE. The effective date of this Ordinance is thirty (30) days after the adoption of this Ordinance.

Section 11: SEVERABILITY. If any term, provision, section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the material adopted herein by reference is for any reason held to be invalid, unenforceable, or unconstitutional by the decision of a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in effect.

Section 12: PENALTY. Penalties for a violation are set forth in the Mesa Zoning Ordinance Sections 11-79-4 and 11-79-5 which are as follows:

11-79-4 CIVIL PENALTIES:

- A. Any owner, occupant or responsible party who is found responsible for a civil violation of this Ordinance, whether by admission, default, or after a hearing, shall pay a civil sanction of not less than \$150 or more than \$1,500, per citation. A second finding of responsibility within 24 months of the commission of a prior violation of this Chapter shall result in a civil sanction of not less than \$250 or more than \$2,500. A third finding of responsibility within 36 months of the commission of a prior violation of this Chapter shall result in a civil sanction of not less than \$500 or more than \$2,500. In addition to the civil sanction, the responsible party shall pay the applicable fees and charges set forth in the City's Development and Sustainability Department (Code Compliance) Schedule of Fees and Charges and may be ordered to pay any other applicable fees and charges.
- B. The 36-month provision of subsection (A) of this Section shall be calculated by the dates the violations were committed. The owner, occupant, or responsible party shall receive the enhanced sanction upon a finding of responsibility for any violation of this Chapter that was committed within 36 months of the commission of another violation for which the owner or responsible party was convicted or was otherwise found responsible, irrespective of the order in which the violations occurred or whether the prior violation was civil or criminal.
- C. Each day in which a violation of this Ordinance continues, or the failure to perform any act or duty required by this Ordinance or by the Civil Hearing Officer continues, shall constitute a separate civil offense.

11-79-5 HABITUAL OFFENDER:

- B. A person who commits a violation of this Ordinance after previously having been found responsible for committing 3 or more civil violations of this Ordinance within a 24-month period — whether by admission, by payment of the fine, by default, or by judgment after hearing — shall be guilty of a class 1 criminal misdemeanor. The Mesa City Prosecutor is authorized to file a criminal class 1 complaint in the Mesa City Court against habitual offenders. For purposes of calculating the 24-month period under this paragraph, the dates of the commission of the offenses are the determining factor.
- C. Upon conviction of a violation of this Subsection, the Court may impose a sentence or incarceration not to exceed 6 months in jail; or a fine not to exceed \$2,500, exclusive of penalty assessments prescribed by law; or both. The Court shall order a person who has been convicted of a violation of this Section to pay a fine of not less than \$500 for each count upon which a conviction has been obtained. A judge shall not grant probation to or suspend any part or all of the imposition or execution of a sentence required by Subsection except on the condition that the person pay the mandatory minimum fines as provided in this Subsection.
- D. Every action or proceeding under this Section shall be commenced and prosecuted in accordance with the laws of the State of Arizona relating to criminal misdemeanors and the Arizona Rules of Criminal Procedure

Passed and adopted by the City Council of the City of Mesa, Arizona, this 27<sup>th</sup> day of July, 2026.

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Mark Freeman, Mayor

ATTEST:

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Holly Moseley, City Clerk