

TUCSON, ARIZONA
Supp. No. 100 – Instruction Sheet

Enclosed with this instruction sheet are new and replacement pages for your loose-leaf copy of the Code, bringing the Code current through June 30, 2013. In order to keep your copy of the Code up to date, you must remove the following indicated obsolete pages from your Code and replace them with the indicated revised pages. The current revision number appearing on the lower left corner of each page revised in this package is “Supp. No. 100” If you have any questions, please contact American Legal Publishing at 1-800-445-5588.

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TUCSON, ARIZONA
Supp. No. 100 – Instruction Sheet

TUCSON CODE

CONTAINING
THE CHARTER AND GENERAL ORDINANCES
CITY OF TUCSON, ARIZONA

Adopted, October 19, 1964
Effective, January 20, 1965

Published by Order of the Mayor and Council

Republished 1987

Contains Supplement No. 100
Current through June 30, 2013

Published by:
AMERICAN LEGAL PUBLISHING CORPORATION
432 Walnut Street ✧ Suite 1200 ✧ Cincinnati, Ohio 45202
1-800-445-5588 ✧ www.amlegal.com

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From our experience in publishing Looseleaf Supplements on a page-for-page substitution basis, it has become evident that through usage and supplementation many pages can be inserted and removed in error.

The following listing is included in this Code as a ready guide for the user to determine whether the Code volume properly reflects the latest printing of each page.

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Sec. 2-15. County health officer to enforce health, sanitation, food regulations; obstructing, resisting health officer.

The county health officer and his deputies shall have authority to enforce any provisions of this Code pertaining to health, sanitation, food and food establishments. Any person who shall obstruct or resist the health officer or his deputies in the legal exercise of his duties shall be deemed guilty of a misdemeanor. (1953 Code, ch. 15, § 4; Ord. No. 2077, § 3, 8-1-60)

Sec. 2-16. Authority of city manager to execute certain utility rights-of-way.

The city manager may execute licenses or easements to utility companies under, on or over city-owned property for utility rights-of-way when it is a condition to providing utility services to installations on city owned properties; such licenses or easements shall be coterminous with the need of utility services and shall be approved as to form by the city attorney. (Ord. No. 3000, § 1, 5-8-67)

Sec. 2-16.1. Authority of city manager to administer the city real estate program.

Subject to the control of the mayor and council, the city manager shall have authority to administer the real estate program including the assignment of functions and duties related to real estate and processing leases and property acquisition agreements in accordance with Arizona law and the Tucson Code. (Ord. No. 10578, § 1, 9-23-08, eff. 7-1-08)

Sec. 2-17. Acceptance of dedications.

The recording in the office of the proper county recorder in the state by the city clerk of any instrument accepted by the city manager, which is a dedication of any type of a right-of-way, such as a street, alley, easement, drainageway, or of a park or other area shall be presumed to be an acceptance thereof by the mayor and council of the city and the city. The city manager is hereby authorized to execute an acceptance on such instruments. (Ord. No. 3419, § 1, 3-1-70)

Cross references – Parks and recreation, ch. 21; streets and sidewalks, ch. 25.

Sec. 2-18. City fixed route, regularly scheduled bus system called Sun Tran; fares; eligibility and prohibited activity.

(a) *Sun Tran system*: The city provides a fixed route, regularly scheduled mass transportation bus system called Sun Tran.

(b) *Fares*: The fares for the Sun Tran system shall be as follows:

- (1) *Full fare*: One dollar and fifty cents (\$1.50) per ride or three dollars and fifty cents (\$3.50) per one (1) day pass or forty-two dollars (\$42.00) per thirty (30) day pass.
- (2) *Economy fare*: Fifty Cents (\$0.50) per ride or fifteen dollars (\$15.00) per thirty (30) day pass.
- (3) *Express fare*: Two dollars (\$2.00) per ride or fifty-six dollars (\$56.00) per thirty (30) day pass on express routes.
- (4) *Transfers to regular routes*: Free for passengers paying appropriate fare and accompanied by appropriately issued transfer medium as determined by the director of transportation.
- (5) *Transfers to express routes*: Passengers must pay a surcharge equal to the difference between the one-way base fare in the appropriate fare category and the one-way express fare.
- (6) *Children*: Free for persons five (5) years of age or under when accompanied by paying adult.
- (7) *Ridership incentive programs*: To encourage ridership among specific groups of persons shall be as follows:
 - a. *University of Arizona pass*: For employees and students of the University of Arizona, as follows:
 - (i) One hundred seventy-three dollars (\$173.00) per fall semester pass, effective August 1 through

- December 31 of each calendar year.
 - (ii) Two hundred thirty dollars (\$230.00) per fall semester express pass, effective August 1 through December 31 of each calendar year.
 - (iii) One hundred seventy-three dollars (\$173.00) per spring semester pass, effective January 1 through May 31 of each calendar year.
 - (iv) Two hundred thirty dollars (\$230.00) per spring semester express pass, effective January 1 through May 31 of each calendar year.
 - (v) Four hundred thirteen dollars (\$413.00) per annual pass, effective August 1 through July 31.
 - (vi) Five hundred fifty dollars (\$550.00) per annual express pass, effective August 1 through July 31.
- b. *Semester pass*: One hundred seventy-three dollars (\$173.00) per semester pass, for students of all other local public and private educational institutions registered with Sun Tran as a bulk sales organization.
- (i) One hundred seventy-three dollars (\$173.00) per fall semester pass, effective August 1 through December 31 of each calendar year.
 - (ii) Two hundred thirty dollars (\$230.00) per fall semester express pass, effective January 1 through May 31 of each calendar year.
 - (iii) One hundred seventy-three dollars (\$173.00) per spring semester pass, effective January 1 through May 31 of each calendar year.
 - (iv) Two hundred thirty dollars (\$230.00) per spring semester express pass, effective January 1 through May 31 of each calendar year.
- c. *Shuttle service*: To decrease traffic congestion and parking problems at specific community events. All event shuttles must be self-supporting with the cost off-set by bus advertising and fare revenues. Fares charged are not to exceed the base fare with no premium fares. All event shuttles must be publicized, open to the general public and within the Tucson service area.
- (8) *Administrative processing fee*: An administrative processing fee, to be determined by the city manager in conjunction with the director of the department of transportation, may be added to the cost of each pass type.
- (9) *Product fee*: A product fee, to be determined by the city manager in conjunction with the director of the department of transportation, may be added to the cost of each card or ticket to recover the cost of the fare media.
- (c) *Seniors, persons with disabilities, Medicare cardholders, and low-income program fare eligibility and prohibited activity*: A special class of riders, referred to as “seniors, persons with disabilities, Medicare cardholders, and qualified low-income individuals” may qualify for the economy fare subject to the following provisions:
- (1) *Eligibility criteria determined by the mayor and council*: Only those individuals who qualify under the mayor and council’s definition of eligibility shall be eligible for this special fare; eligibility for the fare shall be demonstrated by an identification card, the form and substance of the card to be determined by the city manager.
 - (2) *Seniors*: Persons sixty-five (65) years of age or over shall be eligible for the economy fare on the Sun Tran system.

- (3) *Persons with disabilities:* Persons with disabilities shall be eligible for the economy fare on the Sun Tran system.
- (4) *Medicare cardholders:* Medicare cardholders shall be eligible for the economy fare on the Sun Tran system.
- (5) *Low-income individuals:* Persons qualified through the City of Tucson's low-income program shall be eligible for the economy fare on the Sun Tran system.
- (6) *Nonprofit program:* Organizations in the nonprofit program shall be eligible to purchase economy fares on behalf of an organization's qualified clients on the Sun Tran system. The nonprofit program shall be defined and facilitated as determined by the director of transportation.
- a. *Discount one (1) day pass:* Organizations in the nonprofit program shall be eligible to purchase a discounted one (1) day pass for one dollar and seventy-five cents (\$1.75), for clients not yet qualified for the economy program. The discount one (1) day pass is a short-term product that enables an individual to obtain the appropriate ID required for the purchase of economy fares.
- b. *Economy thirty (30) day ticket:* Organizations in the nonprofit program shall be eligible to purchase an economy thirty (30) day ticket for fifteen dollars (\$15.00), for those clients who have obtained the appropriate ID required for purchase of economy fares.
- (7) *Proof of eligibility:* The mayor and council hereby authorize the city manager, in conjunction with the director of the department of transportation, to promulgate appropriate forms for application for reduced fares on the Sun Tran system, and to establish reasonable standards of proof for eligibility for seniors, persons with disabilities, Medicare cardholders, and low-income individual. Such standards shall be in writing, made available to all applicants, and on file with the city clerk.
- (8) *Revocation of eligibility, appeal to the city manager:* When, in the opinion of the city, a person is continuing to utilize benefits of the economy fare program of the Sun Tran system and that person no longer meets the eligibility standards set forth herein, the city shall have the authority to revoke that person's eligibility and require that person to surrender his or her identification card to the city. Such notice of revocation shall be in writing, sent to that person by certified mail, registered return receipt, and shall set forth with specificity the reasons for terminating that person's eligibility for the city's economy fare program. Any person whose eligibility is revoked by the city shall have the right to appeal the revocation to the city manager within ten (10) days of the date of notice of the revocation.
- (9) *Misdemeanor for using false information in application for eligibility:* It shall be a misdemeanor for any person to knowingly use false information when applying for eligibility for the city economy fare program. (Ord. No. 4525, § 1, 6-28-76; Ord. No. 4535, § 1, 7-6-76; Ord. No. 4536, § 1, 7-6-76; Ord. No. 4669, § 1, 6-20-77; Ord. No. 5145, § 2, 5-5-80; Ord. No. 5916, § 1, 12-12-83; Ord. No. 6210, § 1, 4-8-85; Ord. No. 6233, § 1, 5-13-85; Ord. No. 6436, § 1, 5-27-86; Ord. No. 7173, § 1, 4-17-89; Ord. No. 7824, § 1 6-1-92; Ord. No. 8284, § 1, 5-23-94; Ord. No. 8778, § 1, 11-25-96; Ord. No. 8781, § 1, 11-25-96; Ord. No. 9404, § 1, 6-19-00; Ord. No. 10672, § 1, 6-2-09, eff. 8-1-09; Ord. No. 10887, § 1, 4-12-11, eff. 7-1-11; Ord. No. 11082, § 1, 5-29-13)

Sec. 2-19. City curb-to-curb barrier-free transportation service called Sun Van, the complementary paratransit service; fares; eligibility and prohibited activity.

(a) *Paratransit service:* The city provides curb-to-curb transportation services to individuals, whose disability prevents them from riding the Sun Tran system. The service is provided by contract providers of the city.

(b) *Fares:* The fares for paratransit service provided by contractors for the city shall be as follows:

- (1) *Full fare:* Three dollars (\$3.00) per ride.
- (2) *Low-income fare:* One dollar (\$1.00) per ride.
- (3) *Children:* Free for persons five (5) years of age or under when accompanied by a paying adult.

(c) *Eligibility for low-income fare:* Rider eligibility for the paratransit service low-income fare shall be established under the city paratransit service system fare subsidy program for low-income individuals.

(d) *Paratransit service eligibility and prohibited activity:* Individuals may qualify for the paratransit service subject to the following provisions:

- (1) *Eligibility:* Eligibility shall be demonstrated by an identification card, the form and substance of the card to be determined by the city manager. The mayor and council hereby authorize the city manager, in conjunction with the director of the department of transportation, to promulgate appropriate forms for application for the paratransit service, and to establish reasonable standards of proof for eligibility. Such standards shall be in writing, made available to all applicants, and on file with the city clerk.
- (2) *Revocation of eligibility:* When, in the opinion of the city, a person is continuing to utilize the paratransit service and that person no longer meets the eligibility standards set forth herein, the city shall have the authority to revoke that person’s eligibility and require that person to surrender his or her identification card to the city. Such notice of revocation shall be in writing, sent to that person by certified mail, registered return receipt, and shall set forth with specificity the reasons for terminating that person’s eligibility for the city’s paratransit service. Any person whose eligibility is revoked by the city shall have the right to appeal the revocation to the city manager within ten (10) days of the date of notice of the revocation.

- (3) *Misdemeanor for using false information in application for eligibility:* It shall be a misdemeanor for any person to knowingly use false information when applying for eligibility for the city paratransit service.

(Ord. No. 4535, § 2, 7-6-76; Ord. No. 4669, § 2, 6-20-77; Ord. No. 5145, § 3, 5-5-80; Ord. No. 5916, § 2, 12-12-83; Ord. No. 6233, § 2, 5-13-85; Ord. No. 6436, § 2, 5-27-86; Ord. No. 8284, § 2, 5-23-94; Ord. No. 8778, § 2, 11-25-96; Ord. No. 8781, § 2, 11-25-96; Ord. No. 9404, § 2, 6-19-00; Ord. No. 10672, § 1, 6-2-09, eff. 8-1-09; Ord. No. 10887, § 1, 4-12-11, eff. 7-1-11; Ord. No. 11082, § 2, 5-29-13)

Sec. 2-20. Transit system rules and regulations.

The city manager, in conjunction with the department of transportation, is hereby authorized by the mayor and council to promulgate rules and regulations for operation of the city transit system, such rules and regulations to be in writing and subject to review by the mayor and council. Rules and regulations promulgated by the city manager shall be for the purpose of safe and efficient operation of the city transit system only.

(Ord. No. 4535, § 3, 7-6-76)

Sec. 2-21. Promotional discount fare program for the Sun Tran fixed route bus system.

Sec. 2-21(1). A promotional discount fare program, aimed at increasing ridership on the Sun Tran fixed route bus system, is authorized. This experimental program may consist of, but not be limited to, promotional projects implementing a weekend pass, a free fare day, a discounted fare day and a free ride coupon.

Sec. 2-21(2). The city manager shall have the authority to establish and implement reasonable discount fare projects under the program and shall promulgate reasonable rules and regulations, in writing and on file with the city clerk, for each project implemented. The rules and regulations shall be consistent with state and local law, federal law and specifically the statutes and regulations of the Federal Transit Administration, and the goal of increasing Sun Tran ridership.

(Ord. No. 5247, § 1, 11-3-80; Ord. No. 8284, § 3, 5-23-94)

Sec. 2-22. City Sun Tran and paratransit service systems fare subsidy program for low-income individuals; fare subsidies; eligibility and prohibited activity.

(a) *Program establishment:* The city manager shall have the authority to establish and implement a city Sun Tran fare subsidy program for low-income individuals, nonprofit program clients that qualify for low-income, and paratransit services for individuals, such program to be administered within the department of transportation and funded exclusively from local city revenues. The city manager shall have further authority to promulgate reasonable rules and regulations, in writing and on file with the city clerk, for the implementation of the fare subsidy program.

(b) *Sun Tran system fare subsidy:* The Sun Tran system fare subsidy for qualified low-income individuals shall be as follows:

- (1) *Economy fare subsidy:* For riders who qualify for the Sun Tran system economy fare, the subsidies shall be:
 - a. One dollar (\$1.00) in subsidy per full fare ride;
 - b. Twenty-seven dollars (\$27.00) in subsidy per full fare thirty (30) day pass; or,
 - c. One dollar and seventy-five cents (\$1.75) in subsidy per discounted one (1) day pass purchased through the nonprofit program.

(c) *Sun Van fare subsidy:* The Sun Van service fare subsidy for qualified low-income individuals shall be as follows:

- (1) *Low-income fare subsidy:* For riders who qualify for the Sun Van service low-income fare: Two dollars (\$2.00) in subsidy per full fare.

(d) *Eligibility and prohibited activity:* Low-income individuals and nonprofit program clients may qualify for the fare subsidy program subject to the following provisions:

- (1) *Eligibility for Sun Tran system and paratransit service low-income fares:* Applicants for eligibility to qualify for the Sun Tran and Sun Van systems low-income fare must demonstrate an income that meets the most recent income guidelines per the Lower Living Standard Income Level (LLSIL) (100%) as established by the United States Department of Labor, published annually, in the Federal Register.
- (2) *Definition of "income":* Income shall include any money received by all members of the household. Any form of support or payment in the form of rent, food, automobile or any other assistance shall be counted as income. Wages, public assistance, retirement, disability, pension, veteran's compensation, worker's or unemployment compensation, senior benefits, survivor's benefits, strike benefits, support payments, alimony, scholarships, educational grants, fellowships, veteran's educational benefits, dividends, interest and any other form of income shall be counted to determine eligibility.
- (3) *Eligibility requirements for persons under eighteen (18) years of age:* Persons seeking to qualify for the fare subsidy program of the city who are under the age of eighteen (18) must have a parent or guardian signature on the application, or show good cause why such signature is not obtainable. Good cause shall be within the discretion of the city to determine. If the applicant is not living at home and receives more than half of his or her support from his or her family, the applicant must declare all family income. If the applicant is not living at home and is not receiving more than half of his or her support from his or her family, then only the actual support from the family need be declared.
- (4) *Unemployed persons:* Unemployed persons applying for the fare subsidy program must have a current registration card from the state employment office. Such applicant must report an estimated probable income that falls within the income guidelines set forth by the U.S. Department of Labor when added to all other family income. Persons unemployed due to strikes, lockouts and

labor disputes must count as probable income their wages and wage level as such existed prior to the strike, lockout or other labor dispute that resulted in their being unemployed.

- (5) *Students:* Students not living at home, but who receive more than half of their support from their family must declare all family income. Students not living at home who do not receive more than half their support from their family need only declare the actual amount of support received. Students living at home must declare all family income.
- (6) *Residency requirement:* Applicants for the fare subsidy program for low-income individuals must be residents of the region, an area described in the U.S. Census Bureau’s Geographic Base File on file with the city clerk.
- (7) *Proof of eligibility:* The mayor and council hereby authorize the city manager, in conjunction with the director of the department of transportation, to promulgate appropriate forms for application to the program and to establish reasonable standards of proof for eligibility. Such standards shall be in writing, made available to all applicants, and on file with the city clerk. For nonprofit agency clients that qualify, the proof of eligibility requirements stipulating an ID are effective when smart card technology is implemented.
- (8) *Term of eligibility:* Persons eligible for the fare subsidy program shall be deemed eligible from the date of issue of the eligibility identification card for a period of twelve (12) months, unless otherwise found ineligible by the city.
- (9) *Revocation of eligibility, appeal to the city manager:* When, in the opinion of the city, a person is continuing to utilize the benefits of the program and that person no longer meets the eligibility standards set forth herein, the city shall have the authority to revoke that

person’s eligibility and require that person to surrender his or her identification card to the city. Such notice of revocation shall be in writing, sent to that person by certified mail, registered return receipt, and shall set forth with specificity the reasons for terminating that person’s eligibility for the city’s fare subsidy program. Any person whose eligibility is revoked by the city shall have the right to appeal the revocation to the city manager within ten (10) days of the date of notice of the revocation.

- (10) *Misdemeanor for using false information in application for eligibility:* It shall be a misdemeanor for any person to knowingly use false information when applying for eligibility for the fare subsidy program.

(Ord. No. 6210, § 2, 4-8-85; Ord. No. 6233, § 3, 5-13-85; Ord. No. 7824, § 2, 6-1-92; Ord. No. 8284, § 4, 5-23-94; Ord. No. 8778, § 3, 11-25-96; Ord. No. 8781, § 3, 11-25-96; Ord. No. 9404, § 3, 6-19-00; Ord. No. 10672, § 1, 6-2-09, eff. 8-1-09; Ord. No. 10887, § 1, 4-12-11, eff. 7-1-11; Ord. No. 11082, § 3, 5-29-13)

Sec. 2-22.1. False information or refusal to provide information to obtain or retain low income assistance.

(a) Any person who uses false information, or who refuses to provide information upon request, in order to obtain or retain low income assistance from the City of Tucson is responsible for a civil infraction and shall be fined five hundred dollars (\$500.00).

(b) Any person found responsible of a civil infraction as described in paragraph (a) may be deemed ineligible for low income assistance from the City of Tucson for a period up to five (5) years.

(c) City of Tucson low income assistance programs for purposes of this section include, but are not limited to, programs to provide assistance for Environmental Services Fees, Tucson Water Fees, Sun Tran and Sun Van fares, and Parks and Recreation Fees, and any other discount or assistance provided by the City of Tucson.
(Ord. No. 10288, § 1, 6-13-06; Ord. No. 10672, § 1, 6-2-09, eff. 8-1-09)

Sec. 2-23. Permits for use of community center.

(a) Notwithstanding any other provision of this Code, permits for use or occupancy of any of the community center facilities may, upon written application therefor, be issued by the community center director if the permits are for less than thirty (30) days; or subject to the approval by resolution of the mayor and council if for thirty (30) days or more.

(b) Competitive bidding is not required for issuance of permits. If two (2) or more persons apply for community center facilities for the same type of use or event or series of uses or events which is considered by the community center director to be mutually exclusive, then the selection shall be made by the governing body, by motion, based upon which application it determines will be most beneficial to the public and will be in the best interest of the city.

TUCSON CODE

Chapter 3

SIGN CODE*

Art. I.	Introductory Provisions, §§ 3-1 – 3-10
Art. II.	Definitions, §§ 3-11 – 3-15
Art. III.	Permits, Fees and Inspections, §§ 3-16 – 3-30
Art. IV.	General Requirements, §§ 3-31 – 3-50
Art. V.	Sign Types and General Regulations, §§ 3-51 – 3-71
Art. VI.	Signs by District, §§ 3-72 – 3-90
	Div. 1. Residential, §§ 3-73 – 3-75
	Div. 2. Nonresidential, §§ 3-76 – 3-80
	Div. 3. Special Districts, §§ 3-81 – 3-90
Art. VII.	Sign Maintenance, §§ 3-91 – 3-95
Art. VIII.	Nonconforming Signs and Change of Use, §§ 3-96 – 3-100
Art. IX.	Violations; Enforcement; Penalties, §§ 3-101 – 3-115
Art. X.	Indemnification, §§ 3-116 – 3-120
Art. XI.	Sign Code Advisory and Appeals Board, §§ 3-121 – 3-140
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Article I. Introductory Provisions

Sec. 3-1.	Short title.
Sec. 3-2.	Declaration of purpose and intent.
Sec. 3-3.	Interpretation and construction with Tucson Code by the sign code administrator.
Sec. 3-4.	Application and interpretation of district boundaries.
Sec. 3-5.	Reference to other codes.
Sec. 3-6.	Application of prior Code sections.
Sec. 3-7.	Severance of the provisions of this sign code.
Secs. 3-8 – 3-10.	Reserved.

Article II. Definitions

Sec. 3-11.	Definitions.
Secs. 3-12 – 3-15.	Reserved.

***Editor's note** – Ord. No. 10481, § 1, adopted Nov. 27, 2007, effective Jan. 14, 2008, repealed the former Ch. 3, Arts. I – XV, §§ 3-1 – 3-10, 3-14, 3-15, 3-19 – 3-27, 3-31 – 3-43, 3-47 – 3-69, 3-73, 3-77 – 3-80, 3-84 – 3-86, 3-90, 3-91, 3-95, 3-99 – 3-105, 3-109, 3-110, 3-114 – 3-125, 3-130 – 3-136. Section 2 of said ordinance enacted a new Ch. 3 as set out herein. The former Ch. 3 pertained to advertising and outdoor signs and derived from Ord. No. 6737, § 2, adopted July 6, 1987; Ord. No. 6867, § 1, adopted Feb. 22, 1988; Ord. No. 7277, § 1, adopted Sept. 11, 1989; Ord. No. 7455, §§ 1 – 8, adopted August 6, 1990; Ord. No. 7768, §§ 1 – 26, adopted April 6, 1992; Ord. No. 8281, § 1, adopted June 6, 1994; Ord. No. 8634, § 1, adopted Jan. 8, 1996; Ord. No. 8635, § 1, adopted Jan. 8, 1996; Ord. No. 8986, § 1, adopted Nov. 10, 1997; Ord. No. 8983, §§ 1 – 3, adopted Nov. 10, 1997; Ord. No. 9123, §§ 1, 2, adopted Sept. 14, 1998; Ord. No. 9128, §§ 1 – 5, adopted Sept. 14, 1998; Ord. No. 9470, §§ 1, 2, adopted Oct. 9, 2000; Ord. No. 9537, §§ 1 – 12, adopted May 14, 2001; Ord. No. 9782, § 1, adopted Oct. 14, 2002; Ord. No. 9805, § 1, adopted Jan. 13, 2003; Ord. No. 9808, § 1, adopted Jan. 13, 2003; Ord. No. 9867, §§ 1, 2, adopted June 23, 2003; Ord. No. 10173, § 1, adopted June 28, 2005; Ord. No. 10376, § 1, adopted Feb. 21, 2007.

Charter reference – Authority to regulate or prohibit signs and billboards, ch. VII, § 1(6).

Cross references – Construction regulations generally, ch. 6; license fee for advertising agencies, § 19-28(2); fee for advertising solicitors, § 19-28(3); fee for distributors of handbills and other advertising, § 19-28(55); privilege tax on advertising, § 19-405; advertising prohibited in parks and recreation areas, § 21-3(6)(3); posting advertising or signs on golf course property prohibited, § 21-19; technical division of administrative hearing office to have exclusive jurisdiction over alleged violations of sign code, § 28-4(1).

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- Sec. 3-51. Generally permitted signs.
- Sec. 3-52. Exempt signs.
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- Sec. 3-56. Awning signs.
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- Sec. 3-59. Canopy signs.
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- Sec. 3-61. Freestanding signs.
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- Sec. 3-65. Portable (A-frame) signs.
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Article VI. Signs by District

Sec. 3-72. Sign districts.

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Sec. 3-73. Single family residential district.
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Sec. 3-76. O-1 zone district.
Sec. 3-77. General business district.
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Sec. 3-82. Pedestrian business district.
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- Sec. 3-116. Indemnification of city.
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Article XI. Sign Code Advisory and Appeals Board

- Sec. 3-121. Intent, purpose and establishment thereof.
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- Sec. 3-123. Election of officers, meetings rules and regulations, records.
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Article XII. Citizen Sign Code Committee

- Sec. 3-141. Creation.
- Sec. 3-142. Authority.
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- Sec. 3-147. Removal.
- Sec. 3-148. Administrative procedures.

ARTICLE I. INTRODUCTORY PROVISIONS

Sec. 3-1. Short title.

This chapter shall be known and cited as “Tucson Sign Code” or “sign code.”
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-2. Declaration of purpose and intent.

A. The purpose of this sign code is to regulate outdoor advertising, outdoor advertising signs and outdoor signs of all types and to provide fair and comprehensive regulations that will foster a good visual environment for Tucson, enhancing the fragile desert in which we live and creating an aesthetic and enjoyable appearance for our visitors and our residents, while recognizing the legitimate advertising and signage needs of the community.

B. The mayor and council declare that the regulation of signs within the City of Tucson is necessary and in the public interest (a) to safeguard and enhance property values within the City of Tucson; (b) to preserve the beauty and unique character of the City of Tucson; (c) to promote and aid in the tourist industry, which is an important part of the economy of the City of Tucson; (d) to protect the general public from damage and injury that may be caused by the faulty and uncontrolled construction of signs within the City of Tucson; and (e) to promote the public safety, welfare, convenience and enjoyment of travel and the free flow of traffic within the City of Tucson.

C. Any sign authorized by this sign code is permitted to contain noncommercial copy in lieu of any other copy.

D. The City of Tucson shall follow its own sign code in all cases, except where a deviation from the sign code is necessary to protect or promote public health, welfare or safety.
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-3. Interpretation and construction with Tucson Code by the sign code administrator.

The sign code administrator or designee shall interpret and apply this sign code in conformance with section 23A-31 of the Development Compliance Code. Where there is a conflict between provisions of the sign

code and other provisions of the Tucson Code, the more restrictive provisions shall prevail. The sign code administrator shall be the zoning administrator as defined by A.R.S. § 9-462.05(C) for the purpose of enforcement of this sign code. The zoning administrator shall remain the official responsible for interpretation and enforcement of all land use and zoning matters under the Land Use Code.
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-4. Application and interpretation of district boundaries.

Sign districts are determined by the underlying zoning and use or by adopted maps. The single family residential district and the multiple family residential district are based upon residential zoning or, where permitted by less restrictive zoning, an approved site plan, development plan or plat that provides for a single or multi-family use as the principal use. Where a residential use is in less restrictive zoning, the establishment of a more intensive use by redevelopment in conformance with an approved site plan, development plan or plat shall re-designate the property to the applicable sign district. The O-1 district, the historic district and the planned area development district are coextensive with those respective zones. The pedestrian business district is a specifically mapped district that supersedes the underlying zoning classifications for purpose of determining the sign regulations. The scenic corridor zone district is determined based upon the mapped scenic corridors. The medical-business-industrial park district includes the specific uses defined in that district. The general business district includes property generally zoned for office, commercial and mixed uses which is not subject to a more restrictive sign district. The industrial district includes property zoned for industrial uses which are not subject to a more restrictive sign district. The park district includes public parks regardless of the underlying zoning.

The effectuation of a change of zoning for a property will also effectuate a change in the sign district to the extent the zoning determines the sign district.

Interpretation of the applicable sign district shall be made by the sign code administrator but interpretation of the land use classification for the applicable zoning shall be made by the zoning administrator.
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-5. Reference to other codes.

All references made in this sign code to building codes, technical codes, or other Tucson Code provisions refer to the most recent edition of the Code, and amendments thereto, adopted by the City of Tucson.
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-6. Application of prior Code sections.

Chapter 3 of the Tucson Code as adopted and amended prior to the adoption of this sign code is repealed except that the same is continued in full force and effect as necessary to the final determination and disposition of the prosecution or litigation of any claim or complaint that has been made or may be made in the future alleging a violation of any prior provision of Chapter 3 based upon acts occurring prior to the repeal of any such provision.
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-7. Severance of the provisions of this sign code.

Any provision of this sign code that imposes a limitation on freedom of speech shall be construed in a manner that is viewpoint neutral and treats expressive speech either the same as or less restrictive than commercial speech. Any provision of this sign code that is found to be an unconstitutional limitation on freedom of speech by any court shall be severed from this sign code in a manner that preserves code and protects freedom of speech.
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Secs. 3-8 – 3-10. Reserved.

ARTICLE II. DEFINITIONS

Sec. 3-11. Definitions.

The terms used in this sign code shall have the following meanings, unless the context otherwise requires:

- A. *A-frame sign.* A type of portable sign.
- B. *Abandoned.* A sign structure that has ceased to be used to display or support a sign and

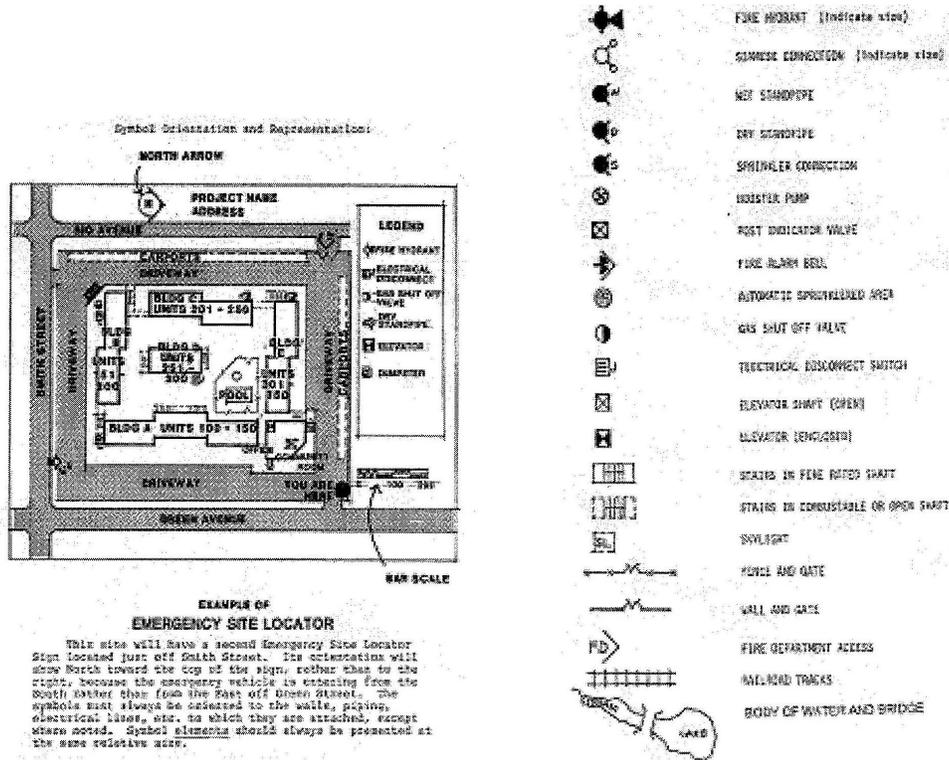
regarding which the owner has manifested an intention to permanently cease the use of the sign structure.

- C. *Alter.* To change, modify or vary an existing sign structure without constructing a totally new sign structure.
- D. *Area of a sign.* See section 3-32.
- E. *Arterial street.* A roadway designated as an arterial street in the Major Streets and Routes Plan.
- F. *Attached canopy.* A roof-like structure that provides shade and/or ornamentation, projecting from and attached to a building wall below the highest point of the top of parapet, and supported in whole or in part by the building.
- G. *Attached sign.* Any sign that is fastened, connected or supported in whole or in part by a building or structure other than a sign structure that is supported wholly by the ground. Attached signs may include awning signs; banners (building and curbside); electronic message centers; incidental signs; menu boards; parking signs; projecting signs; real estate for sale or lease signs; time, temperature and weather displays; wall signs and window signs.
- H. *Awning.* A durable or fabric structure, attached to and supported in part or in whole by a building, which provides shade to the entries, windows, and walls of the building.
- I. *Awning sign.* A sign constructed of cloth, plastic or metal and permanently affixed to a structure and intended to provide shade.



Awning Sign

- J. *Banners, across the street.* See section 3-43.
- K. *Banners, building and curbside.* A piece of fabric permanently attached by one or more edges to a pole, rod or cord.
- L. *Billboard.* An off-site sign relating to a business, activity, use or service conducted off the site or to a product not sold on the site.
- M. *Canopy sign.* A permanent sign on or affixed to the top or front of an attached canopy.
- N. *Change of copy.* Where the message or design of an existing sign face is modified or changed, but the size, shape, framework or structure of the sign is not modified or changed. Billboards, marquees, electronic message boards, menu boards and approved changeable copy signs are not subject to this definition.
- O. *Charitable organization.* A charitable or civic entity not organized for profit but operated solely for the promotion of social welfare, the net earnings of which are devoted exclusively to charitable purposes and do not inure to the benefit of any private shareholder, individual or corporation.
- P. *Clearance.* The distance between grade and the bottom edge of a sign.
- Q. *Collector street.* A roadway designated as a collector street in the Major Streets and Routes Plan.
- R. *Detached sign.* Any sign not supported in whole or in part by a building or structure other than a sign structure that is supported wholly by the ground. Detached signs may include billboards; directory signs; electronic message centers; emergency site locators; freestanding signs (monument type, low profile type, and freestanding pole type); freeway signs; menu boards; parking signs; real estate signs (announcement, construction, development, directional, project identity, sale or lease, rental development signs and subdivision signs); time, temperature and weather signs; traffic directional signs and medical services directional signs.
- S. *Directory sign.* An on-site sign that lists the tenants and/or occupants and directs the public to the tenants' and/or occupants' locations.
- T. *Discontinued.* A sign or sign structure is discontinued where it is not used for a consecutive period of six (6) months or more, and where the period of non-use is attributable in whole or in part to the owner of the sign or premises, regardless of whether the owner intends to abandon the sign.
- U. *District.* A geographic area exhibiting similar uses and character, as identified in Article VI of this sign code.
- V. *Electronic message center.* An electronic or electronically controlled message board, where scrolling or moving copy changes are shown on the same message board, or any sign that changes the text of its copy electronically or by electronic control.
- W. *Emergency site locator.* Consists of signs and markers required for direction of emergency vehicles in multiple tenant and multiple building complexes.



Emergency Site Locator

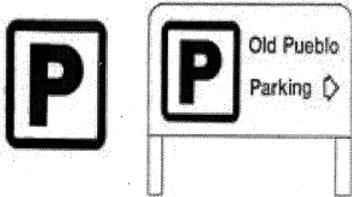
- X. *Facade.* The side or face of a building.
- Y. *Freestanding sign.* An on-site sign or three-dimensional representation of a figure or object, not attached to any building, supported by uprights or braces or some other approved support that is capable of withstanding the stress from weight and wind load. Includes the following sign types:
 1. *Monument type freestanding sign:* A sign that has been provided with a base of some type (a pole cover or architectural embellishment) or stands alone on its own foundation.
 2. *Low profile freestanding sign:* A sign that has been provided with a minimum continuous prepared base or support, at least two (2) feet in height, that extends in a continuous base to the outside dimension of the sign. To encourage design flexibility, the maximum height

of the sign may be lowered in order to decrease the required setback from the street.

- 3. *Freestanding pole sign:* A sign that stands alone on its own foundation and must be provided with a pole cover or architectural embellishment. The sign may be higher than the other types of freestanding signs, must be setback further from the street, and is permitted only for larger premises or developments.
- Z. *Freeway.* A roadway designated as a freeway in the Major Streets and Routes Plan.
- AA. *Freeway sign.* A detached on-site sign directing attention to a business, commodity, service or entertainment conducted, sold or offered upon the same premises as those upon which the sign is located as provided in section 3-62.

- BB. *Gateway route*. A roadway designated as a gateway route in the Major Streets and Routes Plan.
- CC. *Grade*. The point of elevation determined in accordance with section 3-33.
- DD. *Height of sign*. The vertical distance measured from the grade to the highest point of the sign.
- EE. *Incidental sign*. A small noncommercial sign, emblem or decal informing the public of facilities, services or prohibitions relating to the premises.
- FF. *Local street*. A roadway that is not otherwise designated in the Major Streets and Routes Plan.
- GG. *Logo*. A graphic symbol or insignia that serves to identify a business, building or complex.
- HH. *Lot*. A parcel of land shown on maps maintained by the Pima County Assessor's Office.
- II. *Major Streets and Routes Plan*. The current plan and map adopted by mayor and council pursuant to Land Use Code Section 2.8.3.3 to implement the circulation element of the Tucson General Plan. The Major Streets and Routes Plan and map identify the functional classification of City streets, right-of-way widths and development policies for the City's road system.
- JJ. *Mall*. A shopping center anchored by two (2) or more department stores with various specialty stores, totaling five hundred thousand (500,000) square feet or more of gross building area.
- KK. *Medical services directional sign*. An off-site sign giving direction to and identifying a medical activity, use or service located within two thousand (2,000) feet of a scenic route. Copy limited to business name and address and directional arrow.
- LL. *Menu board*. A permanently mounted structure displaying the bill of fare of a drive-in or drive-through restaurant.
- MM. *Mural*. A noncommercial picture, not advertising a product or service that is sold on the premises, painted on or attached to the exterior walls.
- NN. *Nonconforming sign*. A sign lawfully erected or altered in conformance with applicable regulations, including a sign lawfully existing in the county at the time of annexation, that no longer complies with this sign code due to amendments to this sign code adopted subsequent to the approved permit for the sign or the annexation.
- OO. *Obsolete sign copy*. Any sign copy, excluding historic landmark signs (HLS), that no longer correctly identifies or directs attention to an existing use or product available on the premises.
- PP. *Occupancy*. The purpose for which a building or part thereof is used or intended to be used.
- QQ. *Off-site sign*. A sign not located on the premises of the use identified or advertised by the sign.
- RR. *On-site sign*. A sign located on the same premises as the use identified or advertised by the sign.
- SS. *Parapet*. The portion of a wall that extends above the roofline.
- TT. *Parcel*. A division of land as shown on the maps maintained by the Pima County Assessor.

UU. *Parking sign.* A wall or freestanding sign used to identify a commercial parking facility.



Parking Sign

VV. *Person.* Any natural person, as well as any firm, partnership, association, corporation, company or organization of any kind.

WW. *Pictograph.* A graphic, symbolic representation of a commonly recognized idea or item, excluding words or phrases. Example: a picture of a camera used to identify a photographic supply store.

XX. *Pole cover.* A cover that encloses or decorates a pole or other structural sign support.

YY. *Political election sign.* A sign not permanently installed in the ground or attached to a building relating to the election of a person to a public office, or to a political party, or to a matter to be voted upon at an election called by a public body. Does not include political headquarters signage.

ZZ. *Portable sign.* An on-site non-illuminated sign, including but not limited to A-frame signs, temporarily authorized for one (1) year and used to advertise the location, goods or services offered on the premises.

AAA. *Premises.* The land area determined in accordance with section 3-34.

BBB. *Projecting sign.* A sign, other than a wall sign, attached to a building or other structure and extending in whole or in part more than twelve (12) inches beyond the surface of the portion of the building to which it is attached, beyond the building, or over the public right-of-way.

CCC. *Property.* An area consisting of one or more parcels or portions of parcels that share the same zoning classification or permitted and legally nonconforming land uses.

DDD. *Public use.* Any land or building held, used, or controlled exclusively for public purposes by any department or branch of government, state, county or municipality, without reference to the ownership of the building or of the realty upon which it is situated.

EEE. *Real estate development.* A development containing four (4) or more residential or commercial units for sale.

FFF. *Real estate sign.* Any one of the following sign types:

1. *Real estate announcement sign.* An on-site sign identifying a proposed development or project. The sign must identify the project and may include leasing information such as a contact person, type of occupancy, opening date, or special features concerning the proposed development.
2. *Real estate construction sign.* An on-site sign identifying the name or names of contractors, subcontractors, architects, engineers, material suppliers, and lending institutions responsible for construction, reconstruction or demolition of the project where the sign is located, and the name of the development. This type of sign may be a standard sign type, or it may also be a banner constructed of cloth, canvas, light fabric, cardboard, wallboard or other light material and affixed to the chainlink fence or installed in the ground between posts.
3. *Real estate development sign.* An off-site directional sign placed at a location other than on the premises of a subdivision or real estate development and intended to direct prospects to the real estate development or subdivision having lots, houses, townhouses or condominiums for sale.

4. *Real estate directional sign.* An off-site sign that is intended to direct prospects to the unit (non-subdivision) for sale.
5. *Real estate for sale or lease sign.* An on-site wall or freestanding sign placed upon a property advertising that property for sale, rent or lease.
6. *Real estate project identity entrance sign.* An on-site sign displaying the name of the subdivision or development at the major street entrances to the subdivision or development.
7. *Real estate rental development sign.* An off-site sign placed at a location other than the premises of a new rental or for lease project offering housing for lease or rent.
8. *Real estate subdivision sign.* An on-site sign advertising a subdivision as having lots, townhouses, houses or condominiums for sale.

GGG. *Repair.* To mend, renovate or restore a sign structure to its original existing condition.

HHH. *Scenic route.* A roadway designated as a scenic route in the Major Streets and Routes Plan.

III. *School.* Any public, parochial or private school for teaching accredited courses of instruction as approved by the Arizona Department of Education.

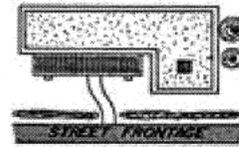
JJJ. *Sign.* Every advertising message, announcement, declaration, display, illustration, insignia, surface or space erected or maintained in a location outside any building and visible to the public for identification, advertising or promotion of the interest of any person, entity, product or service. Signs attached to the interior wall of a shopping mall for identification, advertisement or promotion of the interest of any person, entity, product or service are required to obtain a sign permit to ensure

compliance with applicable building, fire, electrical and technical codes but are not otherwise subject to this sign code. Signs within individual mall stores or inside individual business establishments are excluded from this definition.

KKK. *Sign code administrator.* The person designated and authorized to enforce and administer the provisions of this sign code, or that person's authorized representative or designee. The sign code administrator is the zoning administrator as described in A.R.S. § 9-462 for the purpose of interpreting this code.

LLL. *Site.* The land area consisting of a lot or contiguous lots, not including dedicated public property, designated for development as a single entity through an approved site plan, plat or development plan.

MMM. *Street frontage.* The length of a lot or development fronting on a public or private street.



Street Frontage

NNN. *Subdivision.* Improved or unimproved land or lands divided for the purpose of financing, sale or lease, whether immediate or future, into four (4) or more lots, tracts or parcels of land, or, if a new street is involved, any such property that is divided into two (2) or more lots, tracts or parcels of land, or, if any such property, the boundaries of which have been fixed by a recorded plat, that is divided into more than two (2) parts. "Subdivision" also includes any condominium, cooperative, community apartment, townhouse, or similar project containing four (4) or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon.

OOO. *Temporary sign.* Any sign constructed of cloth, canvas, light fabric, cardboard, wallboard, plastic or other light material and not rigidly and permanently installed in the ground or attached to a building. Political election signs are not included in this definition. The definition includes but is not limited to the following sign types:

1. *Grand opening, sales and civic events banner.* Temporary on-site banner advertising the grand opening, reopening, new management, sales event or civic event at a specific location.
2. *Banner used as temporary signage.* Temporary on-site banner used to advertise events lasting for a limited time. This type of banner may also be used to temporarily advertise a business location while permanent signage is being constructed, or during a change of business name, exterior remodeling of tenant space or entire center, or periods of road construction.

PPP. *Tenant.* The occupant of a portion of a site or structure with exclusive control over that portion, regardless of whether it is by individual ownership or lease.

QQQ. *Time, temperature and weather display.* A sign that displays the current time, temperature or current or forecast weather conditions.

RRR. *Total allowable sign area.* The length of a site fronting on a public or private street multiplied by the allowable sign area in each district or as outlined in each district. The total allowable sign area for a site in each district can never be exceeded regardless of the number of lots or tenants in a development.

SSS. *Traffic directional sign.* An on-site sign directing the reader to the location or direction of any place or area.

TTT. *Unoccupied.* A premises or structure:

1. That is not occupied, or

2. That is not being put to those uses authorized by the last business privilege license issued by the City of Tucson for that address and business, or
3. Where the public utilities are not in service.

UUU. *Vacant.* A premises or structure:

1. From which the fixtures utilized in conjunction with the business activities as authorized by the last business privilege license for that address issued by the City of Tucson have been removed, or
2. Where the public utilities are not in service.

VVV. *Vehicle signs.* Signs mounted upon, painted upon or otherwise erected on or affixed to trucks, cars, boats, trailers and other motorized vehicles or equipment.

WWW. *Wall.* An exterior building surface thirty (30) degrees or less from vertical including, interior and exterior window and door surfaces.

XXX. *Wall sign.* Any sign that is fastened, attached, connected or supported in whole or in part by a building or structure, other than a sign structure supported wholly by the ground, with the exposed face of the sign in a plane parallel to the plane of the wall.

YYY. *Window sign.* Any sign affixed to the interior or exterior window surface.
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 10903, § 2, 6-28-11; Ord. No. 11076, § 2, 5-29-13)

Secs. 3-12 – 3-15. Reserved.

ARTICLE III. PERMITS, FEES AND INSPECTIONS

Sec. 3-16. Permits required.

A. It shall be a civil infraction for any person to erect, reinstall, alter, change the copy of, repair or relocate a sign within the city limits, or cause

committee shall review proposed amendments to the sign permit fees and make recommendations to the mayor and council. The mayor and council shall make the final decision to approve, deny or modify the sign permit fees.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Secs. 3-25 – 3-30. Reserved.

ARTICLE IV. GENERAL REQUIREMENTS

Sec. 3-31. Regulations established.

The sign regulations of this sign code shall be subject to the additional requirements, conditions and exceptions specified in this article.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-32. Sign area.

The area of a sign shall be determined as follows (see Figure 1: Area of a Sign):

A. Single face sign:

1. The entire area within a single continuous perimeter composed of squares or rectangles that enclose the extreme limits of the advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface or space of a similar nature, together with any frame or other material, color, or condition that forms an integral part of the display and is used to differentiate such sign from the wall against which it is placed, excluding the necessary supports or uprights on which such sign is placed.
2. Where a sign consists only of individual letters, numerals, symbols or other similar components and is painted on or attached flat against the wall of a building, and where such individual components are without integrated background definition and are not within a circumscribed frame area, the total area of the sign shall be the area of the square or rectangle that circumscribes the entire message.

B. Two (2) or more faced sign: Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that only one face of a double-faced sign shall be considered in determining the sign area when both faces are parallel and the farthest distance between faces does not exceed five (5) feet, or when the interior angle of the sign faces does not exceed 45° if the boards are in a “V” configuration.

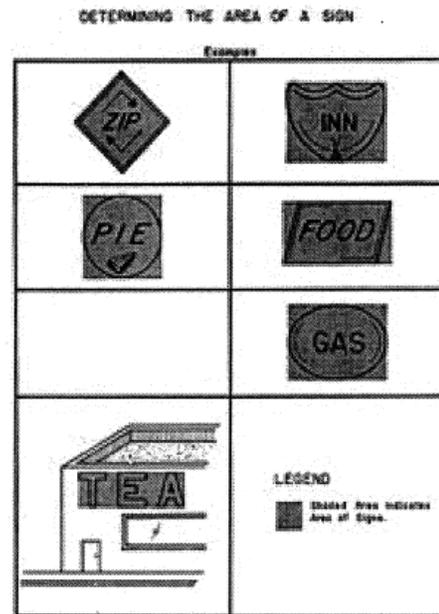


Figure 1: Area of a Sign

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-33. Grade.

A. General: The grade of a sign is the elevation of the outside edge of the street or roadway travel lane nearest to the sign measured perpendicular to the travel lane, except as provided in paragraphs B. through D., below.

B. The grade of a sign more than forty (40) feet from the outside edge of the street or roadway travel lane is the lowest point of elevation of a finished surface within a twenty (20) foot radius of the base of the sign.

C. Freeway grade: For freeway signs and billboards, the freeway grade is the elevation of the outside edge of the freeway travel lane nearest to the freeway sign or billboard.

D. A Sign Code Administrator’s determination, taking into consideration the surrounding conditions, location of vehicular access points, and topography, is required for any sign located on a finished surface which is five (5) or more feet below the elevation of the outside edge of the street or roadway travel lane nearest to the sign measured perpendicular to the travel lane. (Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 10864, § 1, 12-14-10; Ord. No. 10951, §§ 1 and 2, 12-20-11, eff. 1-20-12; Ord. No. 11032, § 1, 11-7-12*)

***Editor’s note** – Section 3 of Ord. No. 10864, as amended by Section 2 of Ord. No. 10951 and Section 1 of Ord. No. 11032, provides: “The provisions of this Ordinance amending Sections 3-33 and [3-83] of the Sign Code shall cease to be effective on January 31, 2016, unless extended by the Mayor and Council by a separate ordinance. If not extended, the sections shall revert to the language as it existed prior to this amending Ordinance. The purpose of this sunset clause is to give the City the opportunity to decide whether to continue to implement Sections 3-33 and [3-83], as amended or to revert to those provisions existing prior to this Ordinance.”

Sec. 3-34. Premises.

A premises is all contiguous land used and occupied by a use or business. All buildings, parking, storage and service areas, and private roads or driveways that are an integral part of the use or business are considered part of the premises. Commercial shopping centers, office complexes, commercial or industrial subdivisions, or similar developments are a premises to the extent such lands are identified as a single site for zoning under an approved development plan. (Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-35. Maximum sign area.

Maximum sign area is determined in accordance with Article V, except that the maximum on-site total sign area for commercial, office or industrial uses located within two hundred fifty (250) feet of a freeway shall be four (4) square feet per foot of those portions of street frontage located within two hundred fifty (250) feet of the freeway. (Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-36. Setback.

The sign and structure must be installed on private property and set back at least twenty (20) feet from the face of the curb, unless otherwise specified in this sign code. (Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-37. Signs near residences.

No off-site sign shall be permitted if such sign faces the front or side yard of any lot within any residential district and is located within one hundred fifty (150) feet of such lot line. (Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-38. Multiple frontage lots.

On corner lots and other lots with more than one street frontage, the maximum allowable number and square footage of on-site signs are permitted for each street frontage. The maximum allowances, however, are not transferable either in whole or in part from one street frontage to another. (Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-39. Intersection corner sign.

A. When a sign is erected at the street intersection corner of the lot and is placed in such a manner so as to be readable from both streets or both frontages, the sign shall not exceed the maximum area allowed for the longest street frontage.

B. The sign shall count as one sign for each street frontage.

C. The area of the sign shall be deducted from the allowable sign area for each street frontage. (Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-40. Signs per street frontage.

A. *General rule:* For premises having more than one street frontage, the maximum allowable number and square footage of on-site signs are permitted for each street frontage and are not transferable either in whole or in part from one street frontage to another.

B. *Freestanding sign exception:* The more stringent restrictions of the sign district shall apply to freestanding signs. (Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-41. Access regulated.

No sign or its supporting members shall be erected, altered or relocated so as to interfere with or restrict access to a window or other opening in a building in such a manner as to unduly limit air circulation or obstruct or interfere with the free use of

- (10) Railroad tracks.
- (11) Fences and walls with locations of gates.
4. Maximum area:
- a. Complexes with fewer than fifty (50) units: Twelve (12) square feet.
 - b. Complexes with fifty-one (51) to three hundred (300) units: Twenty-four (24) square feet.
 - c. Complexes with three hundred one (301) to six hundred (600) units: Thirty-six (36) square feet.
 - d. Complexes with more than six hundred (600) units: Forty (40) square feet.
5. Maximum height: Ten (10) feet.
- D. *Incidental signs.*
1. No permit is required.
 2. Not included in the calculation of total allowable sign area.
 3. Maximum area per sign: Two (2) square feet.
 4. An incidental sign must be attached to the building or structure as an attached sign.
- E. *Political election signs.*
1. Maximum area:
 - a. Single family and multiple family residential districts: Six (6) square feet.
 - b. All other districts: Fifty (50) square feet.
 2. Maximum height: Ten (10) feet.
 3. Removal: Shall be removed not later than fifteen (15) days after the election to which they refer, except that winners of a primary election need not remove their signs until fifteen (15) days after the general election.
4. Placement limitations:
- a. May be placed on private property only.
 - b. Shall not be placed without the permission of the property owner, as provided in section 3-17.
 - c. Shall not be placed in the public right-of-way or on public property.
 - d. Shall not obstruct the view of motor vehicle operators or create a traffic hazard, as provided in section 3-54.
 - e. The general setback requirement of section 3-36 does not apply.
5. No sign permit required.
6. Not counted against a property's otherwise allowable signage area.
7. Responsible party: The person or organization planning to erect political election signs shall first file with the sign code administrator the name, address and telephone number of a person who shall be responsible for the proper erection and removal of the signs.
8. Maintenance: Political election signs must be maintained as provided in Article VII of this sign code.
- F. *Portable construction signs.* Portable construction signs to advertise those businesses immediately adjacent to and affected by road or water construction are allowed in all districts subject to the compliance with section 3-65.
- G. *Time, temperature and weather displays (TT&W).*
1. General: May be integrated into other allowable sign types without counting toward the allowed signage area.
 2. Maximum faces: Two (2).

3. Maximum area: Sixty-six (66) square feet maximum per face, but not to exceed thirty (30) percent of the allowed area of the sign in which the TT&W is integrated.
4. Allowable number: One (1) per site, except on corner lots where two (2) are allowed but may not add to the number of freestanding signs allowed on a site.
5. Maximum height: Same as the sign type in which the TT&W is integrated.

H. *Vehicle signs.* Vehicle signs are allowed only where all of the following conditions are met:

1. The primary purpose of such vehicle or equipment is not the display of signs.
2. Signs are painted upon or applied directly to an integral part of the vehicle or equipment, do not extend beyond the horizontal or vertical profile of the vehicle, and are not mounted on the truck bed.
3. Vehicle/equipment is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used in the daily function of the business to which such signs relate.
4. Vehicles and equipment are not used primarily as static displays advertising a product or service, nor utilized as storage, shelter or distribution points for commercial products or services for the public.
5. During periods of inactivity exceeding five (5) days, such vehicle/equipment are not so parked or placed that the signs thereon are displayed to the public. Vehicles and equipment engaged in active construction projects and on-premises storage of equipment and vehicles leased or rented to the general public by a business engaged in vehicle leasing shall not be subject to this condition.

I. *Wall signs, multipurpose facility.*

1. Notwithstanding any other limitations and restrictions set forth elsewhere in this sign

code, a multipurpose facility is permitted to include as part of its wall signage one (1) or more light emitting diode (LED) or other electronic banners and/or video displays that may include continuously moving words and images. These components shall be used in ticketing areas and other pedestrian gatherings where, in the opinion of the city engineer, such signage will not create a traffic hazard and will not be visible or will be only incidentally visible from public rights-of-way or adjacent properties.

2. For purposes of this section, the term “multipurpose facility” has the meaning set forth in the definition found at Arizona Revised Statutes section 48-4201.

J. Window signs are permitted wherever wall signs are permitted.
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 11076, § 3, 5-29-13)

Sec. 3-52. Exempt signs.

The provisions of this sign code, including the requirements for permits, shall not apply to the following specified signs, nor shall the area of such signs be included in the area of signs permitted for any parcel or use.

- A. *Flags:* Flags, emblems or insignias of any nation or political subdivision.
- B. *Memorial signs or tablets:* Memorial signs or tablets, names of buildings, and dates of building erection, when cut into the surface or facade of a building.
- C. *Murals.*
- D. *Specially licensed signs:* Signs on or over public right-of-way permitted by the mayor and council or special license, such as signage on bus benches and buses.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-53. Prohibited signs enumerated.

No person shall erect, alter, or relocate any sign of the type specified in this section, or of the types specified in sections 3-54 and 3-55.

A. *Animated and intensely lighted signs:*

1. No sign shall be permitted that is animated by any means, including flashing, scintillating, blinking, or traveling lights, or any other means not providing constant illumination, except as allowed as a historic landmark sign (HLS) per Sec. 3-71.
2. No sign shall be permitted that because of its intensity of light constitutes a nuisance or hazard to vehicular traffic, pedestrians or adjacent properties.

B. *Electronic message center:* An electronic or electronically controlled message board, where scrolling or moving copy changes are shown on the same message board or any sign which changes the text of its copy electronically or by electronic control more than once per hour.C. *Fixed balloon signs:*

1. Except as allowed as a temporary sign, as provided in this Article V.
2. Prohibition does not apply to manned hot air balloons.

D. *Flags or pennants:*

1. Flags, other than those of any nation, state or political subdivision, except as allowed as a temporary sign, as provided in this Article V.
2. Propellers, hula strips and pennants, except as allowed as a temporary sign, as provided in this Article V.

E. *Miscellaneous signs, posters and satellite disks:* The tacking, painting, pasting or otherwise affixing of signs or posters of a miscellaneous character, visible from a public way, on the walls of a building, barns or sheds, or on trees, poles, posts, fences or other structures, is prohibited. No signage of any type is permitted on satellite dishes or disks.F. *Moving signs:*

1. No sign or any portion thereof shall be permitted that moves or assumes any other motion constituting a non-stationary or non-fixed condition, except as allowed as a historic landmark sign (HLS) per Sec. 3-71.

G. *Roof signs:* Signs that are erected upon, against, or directly above a roof, or on top of or directly above the parapet of a building, except as allowed as a canopy sign per Sec. 3-59, or a historic landmark sign (HLS) per Sec. 3-71.H. *Sound, odor or visible matter:* Any advertising sign or device that emits audible sound, odor or visible matter.I. *Vehicle signs:* Signs mounted upon, painted upon, or otherwise erected on trucks, cars, boats, trailers or other motorized vehicles or equipment are prohibited, except as specifically provided in section 3-51.H.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 10903, § 3, 6-28-11; Ord. No. 11076, § 3, 5-29-13)

Sec. 3-54. Signs creating traffic hazards.

No sign shall be permitted at the intersection of any street in such a manner as to obstruct free and clear vision of motor vehicle operators. No sign shall be located at any location where by reason of its position, shape, or color it may interfere with or be confused with any authorized traffic sign, signal or device. No sign may make use of a word, symbol, phrase, shape or color in such a manner as to interfere with, mislead, or confuse traffic.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-55. Signs in public areas.

No sign shall be permitted on any curb, sidewalk, post, pole, hydrant, bridge, tree or other surface located on public property or over or across any street or public thoroughfare, except as expressly authorized by this sign code.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-56. Awning signs.

A sign constructed of cloth, plastic or metal and permanently affixed to a structure intended to provide shade.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-57. Banners.

A piece of fabric permanently attached by one or more edges to a pole, rod or cord. Banners may be attached to a building, where permitted, or placed along a curb.

- A. Not allowed for nonresidential or home occupation uses.
- B. The area of curbside banners shall not be included in the calculation of total allowable sign area.
- C. Removal: Faded or tattered banners must be replaced or removed at the direction of the sign code administrator.
- D. Right-of-way: Banners may extend or project over a public right-of-way or public property only as provided in section 3-43B.
- E. Copy limitation: Banners may include logos and pictographs but shall not contain any other lettered copy, except:
 - 1. They may include festive or seasonal proclamations or may announce cultural or civic events that are open to the public. In such case, the banner may devote up to twenty-five (25) percent of the surface area to the name and/or logo of one public, private or commercial sponsor.
 - 2. A banner meeting the criteria for festive or seasonal proclamations may be displayed for sixty (60) days or less and shall be removed within forty-eight (48) hours after the seasonal, cultural or civic event.
- F. Maximum area: Twenty-five (25) square feet.

G. Minimum area: Six (6) square feet.

H. Maximum number: One (1) for every fifteen (15) feet of building length per street frontage. On buildings having more than one street frontage, the maximum allowable number of banners is not transferable from one street frontage to another.

I. Minimum distance from ground level to bottom of banner: Ten (10) feet.

J. Allowable height: May not extend above the facade or eave of the building or structure and shall not exceed forty (40) feet above grade.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-58. Billboards.

A. *Permitted locations:* On undeveloped property in the C-2, C-3, I-1, and I-2 zoned property and only within the general business district and the industrial district as set forth in section 3-77 and section 3-80 of Article VI of this sign code.

B. *Maximum area per face, including embellishments:*

- 1. Generally: Six (6) feet by twelve (12) feet.
- 2. Within two hundred fifty (250) feet of a freeway: Three hundred seventy-eight (378) square feet.
- 3. Limitations:
 - a. No more than two (2) faces per sign.
 - b. Vertical or horizontal stacking is not permitted.

C. *Maximum height:*

- 1. Generally: Sixteen (16) feet from grade to top of sign.
- 2. Within two hundred fifty (250) feet of freeway: Thirty-five (35) feet from freeway grade to top of sign.

D. *Minimum clearance:* Four (4) feet from grade to bottom edge of sign.

E. *Minimum separation:*

1. Generally: The minimum distance between a billboard and an existing billboard shall be six hundred sixty (660) feet, measured in all directions and regardless of jurisdiction.
2. Within two hundred fifty (250) feet of a freeway: The minimum distance between a billboard located within two hundred fifty (250) feet of a freeway and an existing billboard shall be one thousand nine hundred eighty (1,980) feet measured in all directions and regardless of jurisdiction.

F. *Minimum setback:* No billboard or part of a billboard shall be located within two hundred (200) feet of a residential zone boundary line.

G. *Orientation:* Billboard faces shall be oriented perpendicular to the road on which they are located.

H. *Prohibited locations:*

1. On property with the following zoning: LUC Article II, Zones, Division 2 Rural Residential zones (all); Division 3, Urban Residential zones (all); Division 4, Office zones (all); "RVC" Rural Village Center Zone, "NC" Neighborhood Commercial Zone, "C-1", Commercial Zone, "P" Parking Zone and "RV" Recreational Vehicle Zone of Division 5, Commercial zones; Division 6, Mixed Use Zones (all); "P-I" Park Industrial Zone of Division 7, Industrial Zones; Scenic Corridor Zone, Airport Environs Zone (unless prior approval in writing by Federal Aviation Administration) and Historic Preservation Zone of Division 8, Overlay zones.
2. Any developed property. Billboards on undeveloped property may remain when there is new development as long as the entire site fully conforms to the Tucson Land Use Code (LUC), including LUC Sec. 3.5.4.26.

3. Within four hundred (400) feet of the future right-of-way of gateway routes as designated in the Major Streets and Routes Plan.

I. *Prohibited advertising display:*

Notwithstanding any other provision of the Tucson Sign Code, billboards may not change advertising copy by any type of electronic process or by use of vertical or horizontal rotating panels having two or more sides whereby advertising copy is changed by the rotation of one or more panels.
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 11076, § 3, 5-29-13)

Sec. 3-59. Canopy signs.

A. *Maximum number of faces:* Canopy signs shall have one (1) face per sign; they shall not be a double faced sign.

B. *Maximum number.*

1. One (1) per tenant for each tenant elevation up to one hundred fifty (150) feet in length.
2. Two (2) per tenant for each tenant elevation over one hundred fifty (150) feet in length.

C. *Dimensional standards:*

1. Maximum size: The vertical measure of the sign face shall not exceed eighteen (18) inches except for individual letters with descenders that are proportionate to the remaining text but in no case larger than six (6) inches. The horizontal measure of the sign face shall not exceed seventy five percent (75%) of that for the building or tenant elevation that backs the canopy sign and shall not exceed the width of the canopy to which it is attached.
2. Maximum height:
 - a. The top of the canopy sign shall be no more than two (2) feet above the top surface of the canopy directly below the canopy sign, and no more than fifteen (15) feet in height above finished grade immediately below the canopy sign.

- b. The wall behind the canopy sign shall be vertical and at least six (6) feet higher than the top of the canopy sign, or
 - c. The angle from horizontal formed by a line connecting the top of the canopy sign and the top of the wall backing the canopy sign shall be no less than twenty (20) degrees.
 - d. Canopy signs that do not exceed the height of the roof or parapet wall immediately behind the canopy sign but not in compliance with 3-59.C.2.b or .c above may be considered as integrated architectural features per Sec. 3-42.
3. Float: The bottom of a canopy sign (excluding descenders) shall be placed directly on the top surface of the canopy directly below the canopy sign.
 4. Location: Within twenty (20) feet of the building wall that backs the canopy sign.
 5. Maximum projection: Canopy signs shall not project from the canopy fascia unless the sign copy includes descenders, in which case canopy signs may project up to six (6) inches from the fascia.
 6. Maximum recess: Canopy signs may be recessed up to a maximum of six (6) inches from the fascia of the canopy.

D. *Orientation:* The face of the canopy sign shall be vertical and shall be parallel to the building wall that backs it except if it is affixed to a horizontally curved or other irregularly shaped canopy and no individual letter is angled more than twenty-five (25) degrees from the building wall.

E. *Copy:* Limited to letters or numbers in outline form, except for one logo or symbol.

F. Canopy signs are not permitted on any canopy elevation that also has a wall sign on the canopy.
(Ord. No. 11076, § 3, 5-29-13)

Sec. 3-60. Directory signs.

A. Permitted in the medical-business-industrial park district and the planned area development district only.

B. *Maximum faces:* Two (2) per sign.

C. *Maximum area:* Two (2) square feet per occupant plus twenty (20) percent additional square feet for a directional map.

D. *Maximum height:* Ten (10) feet.

E. *Maximum clearance:* Five (5) feet between grade and bottom of sign.

F. *Setback:* None required, except a pull out area for vehicles to pause without inhibiting through traffic.

G. Not permitted in public right-of-way, as provided in section 3-74.
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 11076, § 3, 5-29-13)

Sec. 3-61. Freestanding signs.

A. *Monument type sign, general requirements:*

1. Maximum faces: Four (4) per sign.
2. Maximum area: Fifty (50) square feet per face.
3. Maximum height: Ten (10) feet from grade.
4. Minimum setback: Twenty (20) feet from curb to leading edge of sign.

B. *Low profile type sign, general requirements:*

1. Maximum faces: Two (2) per sign.
2. Maximum area: Sixty (60) square feet per face.
3. Maximum height: Eight (8) feet, or less than eight (8) feet if the setback from the curb is less than sixteen (16) feet (see Table 1).

4. Minimum setback from curb to leading edge of sign: See Table 1.

Distance from Curb to Leading Edge of Sign	Maximum Allowable Height
0'0"	0'0"
1'0"	0'6"
2'0"	1'0"
3'0"	1'6"
4'0"	2'0"
5'0"	2'6"
6'0"	3'0"
7'0"	3'6"
8'0"	4'0"
9'0"	4'6"
10'0"	5'0"
11'0"	5'6"
12'0"	6'0"
13'0"	6'6"
14'0"	7'0"
15'0"	7'6"
16'0" or more	8'0"

5. Minimum continuous base (clearance from grade to bottom of sign): Two (2) feet.
- C. *Freestanding pole sign requirements:*
- Maximum faces: Two (2) per sign.
 - Maximum area: Seventy-two (72) square feet per face.
 - Maximum height: Twelve (12) feet.
 - Minimum setback: Thirty (30) feet from curb to leading edge of sign.
 - Pole cover: The sign structure configuration must be equipped with pole covers or

architectural embellishments that hide or conceal all structural components or braces (such as pipes, angles, iron, cables, internal back framing, bracing, etc.). Minimum requirement is eighteen (18) inches by six (6) inches. The pole cover or architectural embellishment shall require a plan check for construction specifications in accordance with applicable technical codes.

- When allowed: Allowed only when there is a minimum of two hundred twenty-five (225) feet of street frontage, or one hundred twenty-five (125) feet of street frontage and four (4) or more business addresses.
- Maximum number: Only one (1) freestanding pole sign allowed per street frontage per premises.
- Allowed only in the general business district; industrial district; medical-business-industrial park district; park district and planned area development district.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 11076, § 3, 5-29-13)

Sec. 3-62. Freeway sign.

- A. Permitted in the general business district and the industrial district only.
- B. *Permitted locations:* Must be within two hundred fifty (250) feet of a freeway right-of-way.
- C. *Maximum area:* Three hundred sixty (360) square feet.
- D. *Maximum height:* Forty-eight (48) feet from freeway grade to top of sign.
- E. *Minimum clearance:* Fourteen (14) feet from grade to bottom of sign.
- F. *Maximum number:* One (1) per premises.
- (Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 11076, § 3, 5-29-13)

Sec. 3-63. Menu boards.

A. *Maximum area:* Forty-eight (48) square feet.

B. *Maximum height:* Seven (7) feet.
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 11076, § 3, 5-29-13)

Sec. 3-64. Parking signs.

A. *Sign types:* A parking sign may be a wall or freestanding sign.

B. *Permitted locations:* Parking signs are permitted wherever the sign type of which it is a part is permitted.

C. *Sign size:* Parking signs are governed by the same requirements as the sign type of which it is a part.

D. *Parking symbol:* Parking signs must include the standard parking identification symbols:

1. The parking identification symbol must include the letter “P” in 18- to 32-inch tall lettering on a solid-colored background.
2. The letter “P” and the solid background must be enclosed within a one- to two-inch wide rectangular border.

F. The height of any additional lettering shall not exceed fifty (50) percent of the height of the letter “P.”
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 11076, § 3, 5-29-13)

Sec. 3-65. Portable (A-frame) signs.

A. An A-frame or portable sign is an on-site square in shape non-illuminated sign temporarily authorized for one (1) year used to advertise the location, goods or services offered on the premises. The portable or A-frame sign must be made of a durable, rigid material such as, but not limited to, wood, plastic or metal.

B. A-Frames or portable signs are prohibited from any form of illumination, animation, movement and miscellaneous attachments including, but not limited to, balloons, ribbons, speakers etc.

C. A-frame or portable signs are not permitted in the public right-of-way except where a temporary revocable easement has been granted for their placement.

D. *Maximum height and width:* The A-frame or portable sign when placed in an open position must not exceed a height of thirty (30) inches from ground level to the top of the sign and be no more than thirty (30) inches wide.

E. *Maximum number:* One (1) per business. Does not count against maximum allowed sign area. The A-frame or portable sign must be removed from the street at the close of business.

F. *Districts:* A-frames and portable signs are regulated by district: they are permitted in the general business district, industrial business district, planned area development district, pedestrian business district and historic district subject to subsection 3-65(G) below. Subject to the other restrictions under this section, A-frames or portable signs are allowed in all districts to advertise those businesses immediately adjacent to and affected by road or water construction pursuant to section 3-51(F).

G. *Historic district:* An A-frame or portable sign may be permitted in a historic district after review and approval by the development services director, the applicable historic district advisory board and the Tucson Pima County Historical Commission.

H. *Decal required:* A decal issued by the city for placement of any A-frame or portable sign shall be displayed on the upper right hand corner of each visible advertising face. An A-frame or portable sign authorized to be located in the city’s public right-of-way shall display a decal of a different color than signs not authorized to be in the public right-of-way.

I. *Permission required:* The permission of the property owner for use of the sign is also required.

J. *Sign maintenance:* The A-frame or portable sign shall be properly maintained as required in Article VII.

K. *Application process:* By signing and submitting the application the applicant verifies the following:

1. The property owner or management company is in compliance with their current lease agreement in regard to the permissibility of A-frame or portable signs.
2. The applicant is responsible to research and verify right-of-way information to ensure that the proposed location of the A-frame or portable sign is on private property and is not located in the city's public right-of-way.

L. *Site inspection:* A site inspection is not required as part of the application and permit process for A-frame or portable signs that are not located in the public right-of-way. For A-frame or portable signs located in the public right-of-way, the sign code administrator may require site inspection or additional inspections described in section 3-22 of this sign code to ensure proper placement.

M. *Refunds:* No refunds of application or annual permit fees will be given under any circumstance.

N. *Placement:* The A-frame or portable sign must be located at least two (2) feet back from the face of the curb. No A-frame or portable sign shall be located in a median, driving lanes, parking aisles or spaces. An A-frame or portable sign is not permitted in the City's public right-of-way without a temporary revocable easement. An A-frame or portable sign shall be placed so that a minimum four (4) feet is left clear for pedestrian passage on all sidewalks and walkways. An A-frame or portable sign shall only be placed at grade level and shall not be placed on walls, boulders, planters, vehicles, other signs or any other type of structure.

O. *Temporary revocable easement:* A license to permit the placement of a temporary A-frame or portable sign in the public right-of-way may be granted administratively by the sign code administrator upon the written terms and conditions as are required by the sign code administrator and contained in the written license agreement. The applicant will submit a written application upon a form to be supplied by the office of the sign code administrator. The sign code administrator will then approve or deny such application. A license to permit an A-frame or portable sign in the public right-of-way shall not be granted until all other applicable permit requirements contained in this Code are met.

P. If at any time after a license is granted, any portion of the public right-of-way occupied and used by the licensee may be needed or required by the city or the licensee fails to maintain the permitted sign so as to block pedestrian traffic, site visibility, or as described by such specific terms and conditions set forth by the sign code administrator, any license granted pursuant to this section may be revoked by the city and all rights there under are terminated. The licensee shall and will promptly remove all property belonging to the licensee from the public right-of-way area upon receipt of written notice of revocation. If removal is not accomplished by the licensee within the time specified in the notice, the city will cause the sign to be removed and stored and the cost thereof shall be charged to the licensee. Notwithstanding the foregoing, any A-frame or portable sign placed in violation of the provisions of this section is deemed to be a public nuisance and subject to removal by the city.

Q. *Removal of sign:* In addition to the penalties described below, the sign code administrator may remove any A-frame or portable sign that is placed in violation of this sign code. The sign code administrator may immediately remove, without prior notice, any A-frame or portable sign illegally placed in the right-of-way or site visibility triangle, or that for any reason presents an immediate hazard. For any A-frame or portable sign otherwise illegally placed, the sign code administrator may remove the sign after providing reasonable notice to the responsible party.

R. *Penalties:* If an A-frame or portable sign is not permitted or is placed incorrectly or is otherwise in violation of this section, the following civil penalties will apply:

1. For a first offense, the sign code administrator shall issue a warning notice and shall affix a notice on the face(s) of the non-compliant sign, but not in a manner so as to damage the sign.
2. For a second offense, the minimum mandatory fine shall be one hundred thirty dollars (\$130.00).
3. For a third offense, the minimum mandatory fine shall be two hundred fifty dollars (\$250.00).

4. For a fourth or subsequent offense, the minimum mandatory fine shall be five hundred dollars (\$500.00).

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 11076, § 3, 5-29-13)

Sec. 3-66. Real estate signs.

A. *[Sign area:]* Real estate signs are not counted against otherwise allowable sign area.

B. *Real estate announcement sign, general requirements:*

1. General: Must identify the project and may include leasing information such as a contact person, type of occupancy, opening date, or special features concerning the proposed development.
2. Maximum faces: Two (2).
3. Maximum area: Thirty-two (32) square feet per face.
4. Maximum height: Ten (10) feet.
5. Maximum clearance: Five (5) feet.
6. Maximum number per street frontage: One (1).
7. Removal: Prior to installation of any permanent signage for this location.

C. *Real estate construction sign, general requirements:*

1. Maximum faces: Two (2).
2. Maximum area: Thirty-two (32) square feet per face.
3. Maximum height: Ten (10) feet.
4. Maximum number: One (1) per street frontage.

D. *Real estate development sign, general requirements:*

1. Copy changes are allowed for minor items, such as price, phase or unit changes, without a new permit.
2. Street location: Major streets (such as section line street, half section line streets, freeways and parkways) within two miles of project.
3. Maximum number and area: Three (3) signs at seventy-two (72) square feet each, or six (6) signs at fifty (50) square feet each.
4. Maximum height: Ten (10) feet.
5. Minimum clearance: Two (2) feet.
6. Interval limitation: None.
7. Removal: Immediately when properties are sold.
8. Permit duration: First permit good for twenty-four (24) months. Renewal permits for twelve (12) months each, subject to evidence of a continuing sales program.

E. *Real estate directional sign, general requirements:*

1. General: Shall carry the identity and address of the sign owner.
2. Maximum area: Four (4) square feet.
3. Maximum height: Three (3) feet.
4. Prohibited on public right-of-way.
5. Removal: Immediately upon sale, rental or lease of property.

F. *Real estate for sale or lease sign, general requirements:*

1. General: May display the identification of a real estate agent or broker or of the owner of the premises.

2. Maximum area:
 - a. Residential properties: Four (4) square feet.
 - b. Nonresidential properties: Thirty-two (32) square feet.
 3. Maximum number: One (1) per street frontage.
 4. Removal: Immediately upon sale, rental or lease of property.
- G. *Real estate project identity entrance sign, general requirements:*
1. Permitted locations: At major street entrances to the subdivision or a separately named portion of the recorded subdivision.
 2. Maximum allowable sign area: Twenty (20) square feet.
 3. Maximum number: Two (2) signs per street entrance.
 4. Maximum faces: One (1) per sign.
 5. Maximum height: Eight (8) feet from grade to top of sign.
- H. *Real estate rental development sign, general requirements:*
1. Copy is limited to project name, address, direction, price and features. This sign is not intended to act as advertising for builders, lenders, management companies or realtors.
 2. Copy changes are allowed for minor items, such as price, phase or unit changes without new permit.
 3. Street location: Major streets (such as section line streets, half section line streets, freeways and parkways) within two (2) miles of the project.
 4. Maximum number and area: Three (3) signs at seventy-two (72) square feet each, or six (6) signs at fifty (50) square feet each.
 5. Maximum height: Ten (10) feet.
 6. Minimum clearance: Two (2) feet.
 7. Interval limitation: None.
 8. Removal: Within thirty (30) days after achieving ninety (90) percent occupancy of units for rent but not longer than twelve (12) months after issuance.
- I. *Real estate subdivision sign, general requirements:*
1. Location: Must be located on the premises of the subdivision.
 2. Copy changes are allowed for minor items, such as price, phase or unit changes, without new permit.
 3. Maximum faces: Four (4).
 4. Maximum area: Two hundred (200) square feet per face.
 5. Maximum height: Eighteen (18) feet.
 6. Maximum clearance: Two (2) feet.
 7. Maximum number: One (1) per subdivision.
 8. Removal: Immediately when properties are sold.
 9. Permit duration: First permit good for twenty-four (24) months. Renewal permits for twelve (12) months each, subject to evidence of a continuing sales program.
- (Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 11076, § 3, 5-29-13)
- Sec. 3-67. Special event signs.**
- A. *Maximum number:* One (1) per arterial street.
 - B. *Maximum area:* Ten (10) feet by ten (10) feet.
 - C. *Maximum height:* Seventeen (17) feet.
 - D. *Minimum clearance:* Seven (7) feet.

E. *Erection*: No more than one hundred twenty (120) days prior to the event.

F. *Removal*: Immediately upon termination of the event.
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 11076, § 3, 5-29-13)

Sec. 3-68. Temporary signs.

A. Temporary non-commercial signs may be displayed for sixty (60) days or less unless otherwise specified in this sign code.

B. *Removal*: If the temporary sign relates to a specific event, the sign must be removed within forty-eight (48) hours after the event.

C. *Grand opening, sales and civic events banner, general requirements*:

1. Banners:
 - a. All corners must be attached to the building wall or facade.
 - b. Maximum number: One (1) per street frontage.
 - c. Maximum area: Ninety (90) square feet.
 - d. A permit for the use of a banner will be issued for up to forty-five (45) days.
 - e. Removal. A banner must be removed after forty-five (45) consecutive days.
2. Pennants: Pennants will be allowed only for a period of ten (10) days.
3. Balloon sign: One (1) balloon sign is permitted per business establishment. A balloon sign is prohibited from having mechanical or electronic movement or animation of any kind. A balloon will be allowed only for a period of ten (10) days.

D. *Banner used as temporary signage, general requirements*:

1. All corners must be attached to the building wall or facade or a temporary construction structure during periods of remodeling or road construction.
2. Maximum number: One (1) banner per street frontage.
3. Permit: Issued in 45-day increments. This banner cannot be used for more than a cumulative total of ninety (90) days in any calendar year, except that if banner is used to temporarily advertise business activities during the course of construction, permit may be renewed until construction has been completed.
4. Removal: Upon completion of construction or as stated on the permit for installation of the banner.
5. Maximum area: Ninety (90) square feet.
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 11076, § 3, 5-29-13)

Sec. 3-69. Traffic directional signs.

- A. Not permitted in the single family residential district, the O-1 district or the historic district.
- B. *Maximum faces*: Two (2).
- C. *Maximum area*: Six (6) square feet per face.
- D. *Maximum height*: Three (3) feet.
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 11076, § 3, 5-29-13)

Sec. 3-70. Wall signs.

- A. May not extend above the top of the facade, eaves, firewall or roofline of a building or structure.
- B. Twenty-five (25) percent additional area of each wall over and above the allowable sign area may be utilized if no other sign types are used or if nonconforming signs are voluntarily removed.
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 11076, § 3, 5-29-13)

Sec. 3-71. Historic Landmark Signs (HLS).**A. Definitions.**

Historic landmark sign (HLS). A sign that has conditional or final designation as a historic landmark sign. HLS are listed on the City of Tucson Historic Landmark Sign Registry. There are three types of HLS: classic, transitional, and replica.

Classic HLS. A historic landmark sign originally installed prior to 1961 at a location that is within the current Tucson city limits.

Transitional HLS. A historic landmark sign originally installed between 1961 and 1974 inclusive at a location that is within the current Tucson city limits.

Replica HLS. An accurate reconstruction of an original sign that no longer exists. The sign to be replicated must have been originally installed prior to 1961 at a location that is within the current Tucson city limits.

Historic landmark sign (HLS) character defining features. Physical features of an HLS such as materials, technologies, structure, colors, shapes, symbols, text, font/typography and/or art that have cultural and historical significance and are integral to overall sign design.

Historic landmark sign (HLS) concentration. A minimum of three (3) previously designated HLS, or signs meeting the criteria for designation, within two thousand six hundred and forty (2,640) linear feet (1/2 mile) as measured along the center line of a street, including turning in any direction at the intersection of a street to connect with another designated HLS or sign meeting the criteria for designation, together with an additional four hundred and forty (440) feet (1/16 mile) beyond the terminus HLS. A replica HLS cannot be used as part of the number of HLS in the calculation of a HLS concentration.

Historic landmark sign (HLS) registry. The official list of designated historic landmark signs within the City of Tucson.

Historic landmark sign (HLS) treatment plan. A detailed description of an HLS including its character defining features, condition, location, and maintenance, and, as applicable, proposed restoration, adaptive reuse, relocation, and, replication. See Sec. 3-71 F.

B. Purpose.

1. The Historic Landmark Sign regulations are intended to provide for the preservation of the City of Tucson's unique character, history, and identity, as reflected in its historic and iconic signs, and
2. To restore the sense of place that existed within the central business district and in areas of the city with concentrations of surviving historic signs, and
3. To protect the community from inappropriate reuse of nonconforming and/or illegal signs.

C. Historic landmark sign (HLS) designation.

1. Requests for HLS designation shall be initiated by the sign owner and supported by an HLS treatment plan.
2. "As is" HLS designation. An existing sign which will not be restored/repaired, adaptively reused, or relocated, and retains sufficient integrity and character-defining historic features, is in working order, and has an acceptable appearance, may obtain HLS designation "as is", upon approval of the treatment plan.
3. Conditional HLS designation.
 - a. The decision to approve or deny an HLS treatment plan that meets each of the HLS designation guidelines is rendered per Sec. 3-71 G.9.a (administrative).

- b. The decision to approve or deny an HLS treatment plan that does not meet each of the HLS designation guidelines is rendered per Sec. 3-71 G.9.b (legislative).
 - c. Approval of an HLS treatment plan shall constitute conditional HLS designation.
4. Final HLS designation. Final HLS designation shall be contingent upon issuance of a sign permit in compliance with an approved HLS treatment plan, and final inspection of the sign within five (5) years of conditional HLS designation. Issuance of a permit is not required for “as is” designation.
 5. All signs designated (conditional or final) as historic landmark signs shall be listed in the City of Tucson Historic Landmark Sign Registry.

D. *HLS designation guidelines.* Classic, transitional, and replica HLS shall be reviewed for compliance with the following guidelines.

1. Technical guidelines:
 - a. The sign shall include or have once included exposed integral incandescent lighting, or exposed neon lighting.
 - b. The sign shall use materials and technology representative of its period of construction.
 - c. The sign shall be non-rectangular or non-planar.
 - d. The sign shall be a detached, projecting, or roof sign.
 - e. The sign is structurally safe or can be made safe without substantially altering its historical appearance.
2. Cultural/historical/design guidelines:
 - a. The sign shall exemplify the cultural, economic, and historic heritage of Tucson.

- b. The sign shall exhibit extraordinary aesthetic quality, creativity, and innovation.
- c. The sign is unique; or was originally associated with a chain or franchise business that is either a local or regional chain or franchise only found in Tucson or the southwestern United States; or there is scholarly documentation to support its preservation; or it is a rare surviving example of a once common type.
- d. The sign shall retain the majority of its character defining features. If character-defining features have been altered or removed, the majority are potentially restorable to their historic function and appearance.

E. *HLS performance requirements.* Classic, transitional, and replica HLS shall comply with the following requirements as applicable.

1. Restoration/repair.
 - a. Restoration/repair of a classic HLS shall be consistent with a documented appearance that existed prior to 1961.
 - b. Restoration/repair of a transitional HLS shall be consistent with a documented appearance that existed between 1961 and 1974 inclusive.
 - c. Restoration/repair of a replica HLS shall be consistent with a documented appearance that existed prior to 1961.
 - d. Restoration/repair shall not add typographical or other elements which result in an increase in the size of the restored/repaired sign.
2. Adaptive reuse (change of copy).
 - a. Adaptive reuse of a replica HLS is prohibited.
 - b. Text changes shall not result in changes to character defining text.

- c. Text changes shall match or be compatible with existing text in material(s), letter size, font/typography, and color.
3. Relocation.
- a. Relocation of a classic or transitional HLS shall be to a location within the original premises, or to a location within an HLS concentration.
 - b. Relocation of a replica HLS shall be to a location within an HLS concentration.
 - c. When relocated, detached HLS shall be setback at least twenty (20) feet from the back of curb (edge of pavement if there is no curb), no more than forty (40) feet from the future right-of-way line of the street, and a distance at least two (2) times the height of the sign from any property with a non-commercial use.
 - d. If relocated to another premise, the HLS shall display conspicuous text or a plaque, using a template provided by the City of Tucson, that indicates that the sign has been relocated, the date of relocation, and the original location.
 - e. The scale and design of the sign to be relocated shall be compatible with existing HLS in the vicinity of the proposed location.
4. Replica HLS.
- a. A replica HLS shall be consistent with a documented appearance that existed prior to 1961.
 - b. A replica HLS may only be installed on the premises where it originally existed.
 - c. A replica HLS shall display conspicuous text or a plaque, using a template provided by the City of Tucson, that indicates the sign is a contemporary reproduction, and the date of reproduction.
 - d. A replica HLS shall utilize historical materials and technologies, or visually matching contemporary materials and technologies.
 - e. A replica HLS shall not replicate an existing sign.
5. The sign shall not be an off-site sign as defined in the sign code.
6. The sign shall not have been previously, altered, removed and reinstalled or replaced pursuant to Sec. 3-96 C.1.
- F. *Content of HLS treatment plan.* An HLS treatment plan shall include the following:
- 1. Completed application form.
 - 2. Existing and proposed elevation of the proposed HLS showing height and area of the sign.
 - 3. Description and age of construction materials and type of illumination.
 - 4. GPS coordinates for the final location of the proposed HLS.
 - 5. Dimensioned site plan, with the existing and proposed land use, graphically showing existing and proposed location and setbacks for the proposed HLS and any other existing or proposed signs on the premises, existing and proposed site improvements, and adjacent streets.
 - 6. Photographs of the existing sign and photo simulation(s) of the completed sign as viewed from the street and other significant vantage points as appropriate, together with photographs of the existing site conditions. Photographs must be sufficient to demonstrate the sign's dimensions, construction materials used including electrical and any types of illumination which is or was used.
 - 7. Date of original construction and installation, and the address where the proposed HLS was first installed.

8. List of character defining features.
9. Documentation of the authenticity of the proposed HLS including approved permits, site plans, elevations, and dated photographs, and age of existing materials, as available.
10. A narrative describing compliance with each of the HLS designation guidelines and all applicable HLS performance requirements.
11. Maintenance program.
12. List of parts and materials to be replaced.
13. Mitigation measures to reduce the impact on non-commercial uses within three hundred (300) feet of the proposed HLS.

G. *Review of HLS treatment plan.* HLS treatment plans shall be submitted to the planning and development services department for review.

1. Pre-submittal conference. Prior to submitting an HLS treatment plan, an applicant may, but is not required to meet with City staff responsible for administration of the HLS program. Comments supplied by City staff during the conference are advisory and do not constitute approval of any proposed application.
2. Neighborhood meeting. A neighborhood meeting is encouraged for a proposed HLS relocation, or for a proposed construction of a HLS replica sign.
3. Initial review. Initial review of an HLS treatment plan or revised treatment plan will be for completeness, compliance with HLS designation guidelines, and compliance with applicable HLS performance requirements. No later than ten days after submittal, the sign code administrator will issue a determination as to whether the request meets each of the HLS technical designation guidelines.
4. Where an applicant produces physical evidence or documentation sufficient to prove that a proposed HLS included

intermittent lighting features (e.g. flashing, blinking, chasing or sequentially lit elements which create the appearance of movement) or moving parts, such sign elements may be repaired or restored conditioned upon a determination by Tucson department of transportation (TDOT) that no negative safety issues will result.

5. If the subject property is within a historic preservation zone (HPZ), the treatment plan shall be forwarded to the HPZ advisory board for review and recommendation prior to being forwarded to the Tucson-Pima County Historical Commission (T-PCHC) Plans Review Subcommittee.
6. Review of the treatment plan shall include an analysis of applicable policies of the Tucson general plan.
7. The treatment plan shall be forwarded to the T-PCHC Plans Review Subcommittee for review of the treatment plan for compliance with HLS Cultural/historic/design designation guidelines and applicable HLS performance requirements. Notice of the treatment plan and subcommittee meeting shall also be provided to the registered neighborhood association in which the proposed sign would be located; to property owners immediately adjacent to the proposed location; and to any persons who have submitted a written request to the director to be notified of HLS applications.
8. The T-PCHC shall forward a recommended list of character defining features, including all character defining text, and a recommendation to approve or deny the treatment plan, to the planning and development services department.
9. Decision.
 - a. Administrative: The planning and development services director will prepare a written decision to approve or deny the treatment plan within ten (10) days of receiving the T-PCHC Plans Review Subcommittee recommendation.

- b. Legislative: The planning and development services director will prepare a written recommendation to approve or deny the treatment Plan within ten (10) days of receiving the T-PCHC Plans Review Subcommittee recommendation and forward it to the mayor and council for a public hearing and decision at the earliest practical date. In granting approval, the mayor and council must find that preservation of the sign will contribute to Tucson's unique character, history, and identity.

H. *Review of permits for HLS.* All permits for the installation, repair/restoration, adaptive reuse, relocation, or replication of HLS shall be consistent with an approved HLS treatment plan.

I. *Maintenance.* All maintenance activities relating to HLS shall be consistent with an approved HLS treatment plan.

J. *Demolition.* Demolition of HLS shall be consistent with an approved treatment plan for relocation or subject to a maximum thirty (30) day waiting period to facilitate salvage of the sign. The sign owner shall allow reasonable access to the sign to facilitate documentation and salvage activities. (Ord. No. 10903, § 3, 6-28-11; Ord. No. 11076, § 3, 5-29-13)

ARTICLE VI. SIGNS BY DISTRICT

Sec. 3-72. Sign districts.

The regulations in this Article VI establish the number, size, type, location, and other provisions relating to signs as permitted in the various sign districts of the city. No sign shall be allowed unless expressly permitted within a particular district by this Article VI or otherwise permitted or exempt under this sign code. In case of a conflict between the regulations in this article and the regulations in other articles of this sign code, the more restrictive regulation shall apply. The application and interpretation of sign districts shall be in conformance with section 3-4. (Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 11076, § 4, 5-29-13)

DIVISION 1. RESIDENTIAL DISTRICTS

Sec. 3-73. Single family residential district.

A. *Location.* The single family residential district includes all property in the rural residential zones, the RX-1, RX-2, R-1 and MH-1 zones, Tucson Land Use Code (LUC) Article II, Division 2 and LUC Sec. 2.3.2, 2.3.3, 2.3.4 and 2.3.8. The single family residential district also includes property in less restrictive zones where the approved site plan, development plan or plat is for a single family dwelling as the principal use. The establishment of a more intensive use in conformance with an approved site plan, development plan or plat shall re-designate the property to the applicable sign district.

B. *Maximum total sign area:*

1. Nonresidential uses: Twenty (20) square feet of total sign area per street frontage. On buildings having more than one street frontage, the maximum allowable number and square footage of on-site signs are permitted for each street frontage. The maximum allowance, however, is not transferable either in whole or in part from one street frontage to another.
2. Home occupation uses: No more than one (1) sign may be visible from the exterior of the property used as a home occupation. The sign shall not exceed one (1) square foot in size, as permitted by the Tucson Land Use Code.

C. *Permitted signs:*

1. Signs generally permitted by section 3-51 and sign types listed in Article V, except as modified by this subsection for this district, and signs exempt under section 3-52.
2. Awning signs: For nonresidential and home occupation uses only.
3. Banners, curbside only. Allowed for residential uses only. Not allowed for nonresidential or home occupation uses.
4. Freestanding signs.
 - a. Nonresidential and home occupation uses.

- b. Monument and low profile only.
- c. Freestanding signs that include or consist of a three-dimensional representation of a figure or object are prohibited.
- 5. Real estate signs. Not permitted for home occupation uses.
- 6. Temporary signs.
 - a. Allowed uses: Residential and nonresidential uses only. Not allowed for home occupation uses.
 - b. Maximum area: Six (6) square feet.
- 7. Wall signs. Nonresidential and home occupation uses only. Not allowed for residential uses.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 11076, § 5, 5-29-13)

Sec. 3-74. Multiple family residential district.

A. *Location:* The multiple family residential district includes all property in the R-2, R-3 and MH-2 residential zones, Tucson Land Use Code Sec. 2.3.5, 2.3.6 and 2.3.8. The multiple family residential district also includes property in less restrictive zones where the approved site plan, development plan or plat is for a multiple family dwelling as the principal use. The establishment of a more intensive use in conformance with an approved site plan, development plan or plat shall re-designate the property to the applicable sign district.

- B. *Maximum total sign area:*
 - 1. Residential and nonresidential uses: Fifty (50) square feet.
 - 2. Home occupation uses: No more than one (1) sign may be visible from the exterior of the property used as a home occupation. The sign shall not exceed one (1) square foot in size, as permitted by the Tucson Land Use Code.

C. *Permitted signs:*

- 1. Signs generally permitted by section 3-51 and sign types listed in Article V, except as modified by this subsection for this district, and signs exempt under section 3-52.
- 2. Awning signs.
- 3. Banners, curbside only, for nonresidential uses only.
- 4. Freestanding signs, monument and low profile only.
 - a. Freestanding signs that include or consist of a three-dimensional representation of a figure or object are prohibited.
 - b. Low profile type sign. Maximum area: Fifty (50) square feet.
- 5. Real estate signs. Not permitted for home occupation uses.
- 6. Temporary signs.
 - a. Not permitted for home occupation uses.
 - b. Maximum area: Six (6) square feet.
- 7. Traffic directional signs. Not permitted for home occupation uses.
- 8. Wall signs.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 11076, § 5, 5-29-13)

Sec. 3-75. Park district.

The park district is property containing public parks that are either neighborhood parks, district parks or regional parks.

A. *Permitted signs.*

- 1. Signs generally permitted by section 3-51 and sign types listed in Article V, except as modified by this subsection for this district, and signs exempt under section 3-52.

2. Awning signs.
3. Banners, building and curbside.
4. Freestanding signs.
 - a. Regional parks, consisting of a public park or parks of at least fifteen (15) acres and serving a region of or the entire city.
 - (1) Two (2) per arterial street.
 - (2) Maximum height: Fourteen (14) feet.
 - (3) Clearance: Zero.
 - b. District parks, consisting of a public park or parks of at least fifteen (15) acres but not more than one hundred (100) acres and serving several neighborhoods.
 - (1) Two (2) per entrance.
 - (2) Maximum height: Ten (10) feet.
 - (3) Clearance: Zero.
 - c. Neighborhood parks, consisting of a public park or parks of less than fifteen (15) acres and serving the nearby pedestrian population.
 - (1) One (1) per entrance.
 - (2) Maximum height: Eight (8) feet.
 - (3) Clearance: Zero.
5. Special event signs. Allowed only in a regional park.
 - a. One (1) per arterial.
 - b. Maximum area is ten (10) feet by ten (10) feet.
 - c. Maximum height: Seventeen (17) feet.
 - d. Clearance: Seven (7) feet.
 - e. Erection: No more than 120 days prior to the event.
 - f. Removal: Immediately upon termination of the event.
6. Temporary signs.
7. Traffic directional signs.
8. Wall signs.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 11076, § 5, 5-29-13)

DIVISION 2. NONRESIDENTIAL DISTRICTS

Sec. 3-76. O-1 zone district.

A. *Location:* The O-1 district is property zoned O-1 office zone under Sec. 2.4.1 of the Land Use Code. The O-1 district does not include property where an approved site plan, development plan or plat provides for a single family dwelling or multi-family dwelling as the principal use, or property in the historic districts, the medical-business-industrial park district, the pedestrian business district, the scenic corridor zone (SCZ) district, or the planned area development (PAD) district.

B. *Maximum total sign area:* Twenty (20) square feet per site.

C. *Illumination and color:* Signs on arterial and collector streets shall be illuminated only by low pressure sodium lighting and shall not be illuminated between the hours of 10:00 p.m. and 7:00 a.m. Signs located on a local street frontage shall not be illuminated. Color schemes for all sign components, including copy, shall be compatible with surrounding residential areas.

D. *Permitted signs:*

1. Signs generally permitted by section 3-51 and sign types listed in Article V, except as modified by this subsection for this district, and signs exempt under section 3-52.

- 2. Freestanding signs, low profile type only.
 - a. Maximum number: One (1) per site.
 - b. Location: On arterial or collector streets only.
 - c. Maximum faces: Two (2) per sign, back to back configuration only.
 - d. Maximum area: Twelve (12) square feet per face.
 - e. Maximum height: Four (4) feet from grade.
 - f. Minimum setback: Twelve (12) feet from curb to leading edge of sign.
 - g. Freestanding signs which include or consist of a three-dimensional representation of a figure or object are prohibited.
- 3. Home occupation signs. No more than one (1) sign may be visible from the exterior of the property used as a home occupation. The sign shall not exceed one (1) square foot in size. Freestanding signs may be the monument and low profile types only.
- 4. Real estate signs.
- 5. Temporary signs. Maximum area six (6) square feet.
- 6. Wall signs.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 11076, § 6, 5-29-13)

Sec. 3-77. General business district.

A. *Location:* The general business district includes property in the O-2 and O-3 office zones, commercial zones, OCR-1, and OCR-2 and MU zones Mixed Use zones, Tucson Land Use Code sections 2.4.2, 2.4.3, 2.5.1, 2.5.2, 2.5.3, 2.5.4, 2.5.5, 2.5.6, 2.5.7, 2.6.1, 2.6.2 and 2.6.4. The General Business District does not include property where an approved site plan, development plan or plat provides for a single family dwelling or multi-family dwelling as the principal use,

or property in the historic districts, the medical-business-industrial park district, the pedestrian business district, the scenic corridor zone (SCZ) district, the O-1 district or the planned area development (PAD) district.

B. *Maximum on-site total sign area:*

- 1. Generally: Three (3) square feet per foot of street frontage.
- 2. If any portion of a parcel is within two hundred fifty (250) feet of a freeway: Four (4) square feet per foot of street frontage.

C. *Permitted signs:*

- 1. Signs generally permitted by section 3-51 and sign types listed in Article V, except as modified by this subsection for this district, and signs exempt under section 3-52.
- 2. Awning signs.
- 3. Banners, building and curbside.
- 4. Billboards.
- 5. Freestanding signs, all types.
 - a. Stand-alone premises:
 - (1) One (1) freestanding sign for each street frontage.
 - (2) One (1) additional freestanding sign on that street frontage for each additional one hundred fifty (150) feet of street frontage in excess of the first three hundred (300) feet.
 - (3) For each sign placed on the frontage of a local street, the total allowable number of freestanding signs for the arterial or collector street frontage shall be reduced by one.
 - (4) A “stand-alone premises” for the purposes of this subsection is a piece of land with definite boundaries, which includes the

property and the buildings on it, and is separately owned from any other property. A stand-alone premises must meet the on-site parking requirements under the Tucson Land Use Code without sharing parking with another premises and must provide its own ingress from and egress to the public right-of-way.

b. Strip development:

- (1) One freestanding sign per major arterial or collector street to identify the name of the strip development shopping center or for use as an occupant directory. In addition, one freestanding sign will be permitted for each self-contained premises, not to exceed thirty-two (32) square feet in area.
- (2) For the purpose of this subsection, a “self-contained premises” is a piece of land with definite boundaries, which includes the property and the buildings on it, and is separately owned from any other property. A self-contained premises must meet the onsite parking requirements under the Tucson Land Use Code without sharing parking with another premises.
- (3) For the purpose of this subsection, a “strip development” is a development or group of buildings that meets the definition of “premises” found at section 3-34, but shall not include any area treated as a “stand-alone premises” for purposes of this section.
- (4) Malls: One freestanding sign per major arterial or collector street to identify the name of the mall. One freestanding sign not to exceed twenty (20) square feet will be permitted for each detached

building included on the same development plan. A “mall” is a shopping center anchored by two (2) or more major department stores with various specialty stores totaling five hundred thousand (500,000) square feet or more of gross building area.

6. Freeway signs.
7. Menu boards.
8. Portable signs are permitted subject to the provisions of section 3-51.F, except that use in this district is not limited to advertisement related to road or water construction.
9. Real estate signs.
10. Temporary signs.
11. Traffic directional signs.
12. Wall signs.
 - a. Maximum size:
 - (1) Generally: No more than thirty (30) percent of the area of each wall may be utilized for wall signs.
 - (2) A wall sign within two hundred fifty (250) feet of a freeway shall be no more than forty (40) percent of the area of each wall.
13. Historic landmark signs (HLS), all types. The first HLS on a premise does not count toward the maximum total sign area.
14. Canopy signs.
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 10903, § 4, 6-28-11; Ord. No. 11076, § 6, 5-29-13)

Sec. 3-78. Planned area development (PAD) district.

A. *Location:* The boundaries of a planned area development (PAD) district are coextensive with each approved PAD, a comprehensively planned

development approved by ordinance by mayor and council. The development may combine commercial, administrative, professional, residential, business and other compatible land uses to create an internally oriented, high intensity, mixed use activity center.

B. *PAD compliance:* Sign plans proposed in planned area developments and redevelopment plan areas will be reviewed for consistency with qualitative plan objectives and approved by the city planning director prior to issuance of a sign permit.

C. *Maximum on-site sign area:* Three (3) square feet per foot of street frontage.

D. *Developments with more than one street frontage:* The maximum allowable number and square footage of on-site signs are permitted for each street frontage. The maximum allowance, however, is not transferable either in whole or in part from one street frontage to another, except as provided in subsection E.9, below.

E. *Permitted signs:*

1. Signs generally permitted by section 3-51 and sign types listed in Article V, except as modified by this subsection for this district, and signs exempt under section 3-52.
2. Awning signs.
3. Banners, building and curbside.
4. Directory signs: One (1) per five (5) acres of complex with one additional directory sign per each additional five (5) acres of complex.
5. Freestanding signs, all types. Maximum number: One (1) per building or cluster of buildings (when located on the same lot) per street frontage to be located at the building's street frontage. The allowance for freestanding signs is not transferable either in whole or in part between street frontages, buildings, or lots within the district.
6. Portable signs are permitted subject to the provisions of section 3-51.F, except that use in this district is not limited to advertisement related to road or water construction.

7. Real estate signs, all types.

- a. Real estate project identity entrance sign, general requirements:
 - (1) If integrated with landscaping:
 - (a) Maximum number: Two (2).
 - (b) Maximum faces: One (1) per sign.
 - (c) Maximum size: One hundred (100) square feet per sign.
 - (2) If not integrated with landscaping:
 - (a) Maximum number: One (1).
 - (b) Maximum faces: Two (2) per sign.
 - (c) Maximum size: One hundred (100) square feet per face.
 - (d) Maximum height: Ten (10) feet measured from the average top of curb of adjacent streets.

8. Temporary signs.

9. Traffic directional signs.

10. Wall signs:

- a. Maximum size: No more than thirty (30) percent of the area of each wall.
- b. Any portion of wall sign allowance for a building may be transferred from one street frontage to another for wall sign usage on that specific building.
- c. The allowance for wall signs is not transferable between buildings or lots within the district.
- d. The total square feet of wall sign area for a building may be allocated by the building owner among the occupants/tenants of a building.

- e. Sign placement:
 - (1) Tenant identification signage shall be placed only on a sign band as delineated in building elevation drawings approved with the related development plan.
 - (2) The sign band shall not be located more than three (3) stories above the average finished grade at the building line, except that building and/or tenant signage may be placed within discernible parapets.

- 5. Freestanding signs, all types.
 - a. One (1) per street frontage.

11. Historic landmark signs (HLS), all types. The first HLS on a premise does not count toward the maximum total sign area.

12. Canopy signs.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 10903, § 4, 6-28-11; Ord. No. 11076, § 6, 5-29-13)

Sec. 3-79. Medical-business-industrial park district.

A. *Location:* The medical-business-industrial park district is property within a planned medical, business, or industrial complex of two (2) or more acres and consisting of multiple buildings and tenants that share parking, private streets and signage.

B. *Maximum total sign area:* Two (2) square feet per foot of street frontage.

C. *Permitted signs:*

- 1. Signs generally permitted by section 3-51 and sign types listed in Article V, except as modified by this subsection for this district, and signs exempt under section 3-52.
- 2. Awning signs.
- 3. Banners, building and curbside.
- 4. Directory signs: One (1) per two (2) acres of development.

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- b. One freestanding sign per building to be located at the building's parking entrance.
 - c. The allowance for freestanding signs is not transferable either in whole or in part from one street frontage to another or one building to another.
- 6. Real estate signs, all types.
 - 7. Temporary signs.
 - 8. Traffic directional signs.
 - 9. Wall signs. Maximum size: Eight (8) square feet.
 - 10. Canopy signs.
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 11076, § 6, 5-29-13)

Sec. 3-80. Industrial district.

A. *Location:* The industrial district includes property in the industrial zones, Tucson Land Use Code Sec. 2.7.1, 2.7.2 and 2.7.3. The industrial district does not include property where an approved site plan, development plan or plat provides for a single family dwelling or multi-family dwelling as the principal use, or property in the historic districts, the medical-business-industrial park district, the pedestrian business district, the scenic corridor zone (SCZ) district, or the planned area development (PAD) district.

B. *Maximum total sign area:* Four (4) square feet per foot of street frontage.

C. *Permitted signs:*

- 1. Signs generally permitted by section 3-51 and sign types listed in Article V, except as modified by this subsection for this district, and signs exempt under section 3-52.
- 2. Awning signs.
- 3. Banners, building and curbside.
- 4. Billboards.

- 5. Freestanding signs, all types. One (1) per street frontage; except, where a developed parcel has in excess of three hundred (300) feet of street frontage, one (1) additional freestanding sign may be erected for each additional one hundred fifty (150) feet of street frontage in excess of the first three hundred (300) feet of street frontage abutting the developed portion of said parcel.
- 6. Freeway signs.
- 7. Menu boards.
- 8. Portable signs are permitted subject to the provisions of section 3-51.F, except that use in this district is not limited to advertisement related to road or water construction.
- 9. Real estate signs.
- 10. Temporary signs.
- 11. Traffic directional signs.
- 12. Wall signs. Maximum size: no more than forty (40) percent of the area of each wall.
- 13. Historic landmark signs (HLS), all types. The first HLS on a premise does not count toward the maximum total sign area.
- 14. Canopy signs.
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 10903, § 4, 6-28-11; Ord. No. 11076, § 6, 5-29-13)

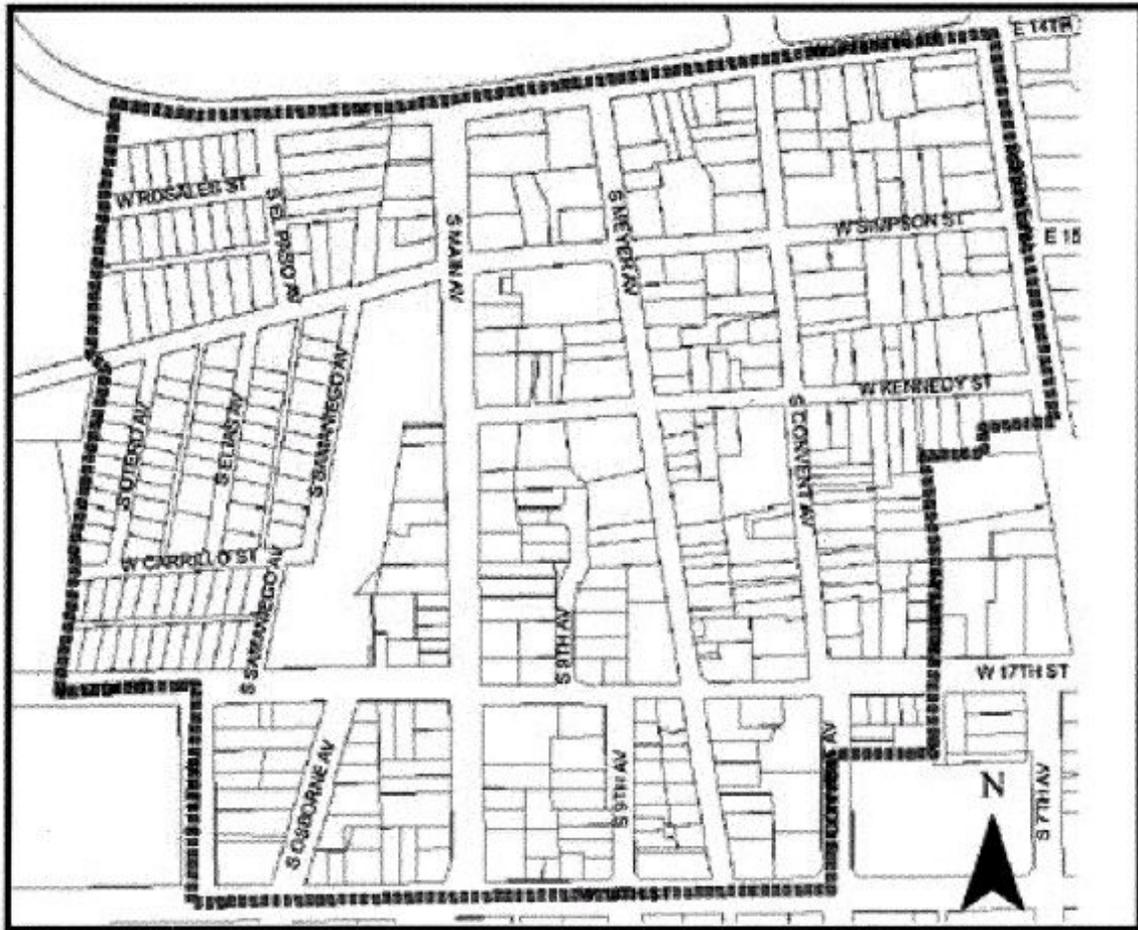
DIVISION 3. SPECIAL DISTRICTS

Sec. 3-81. Historic district.

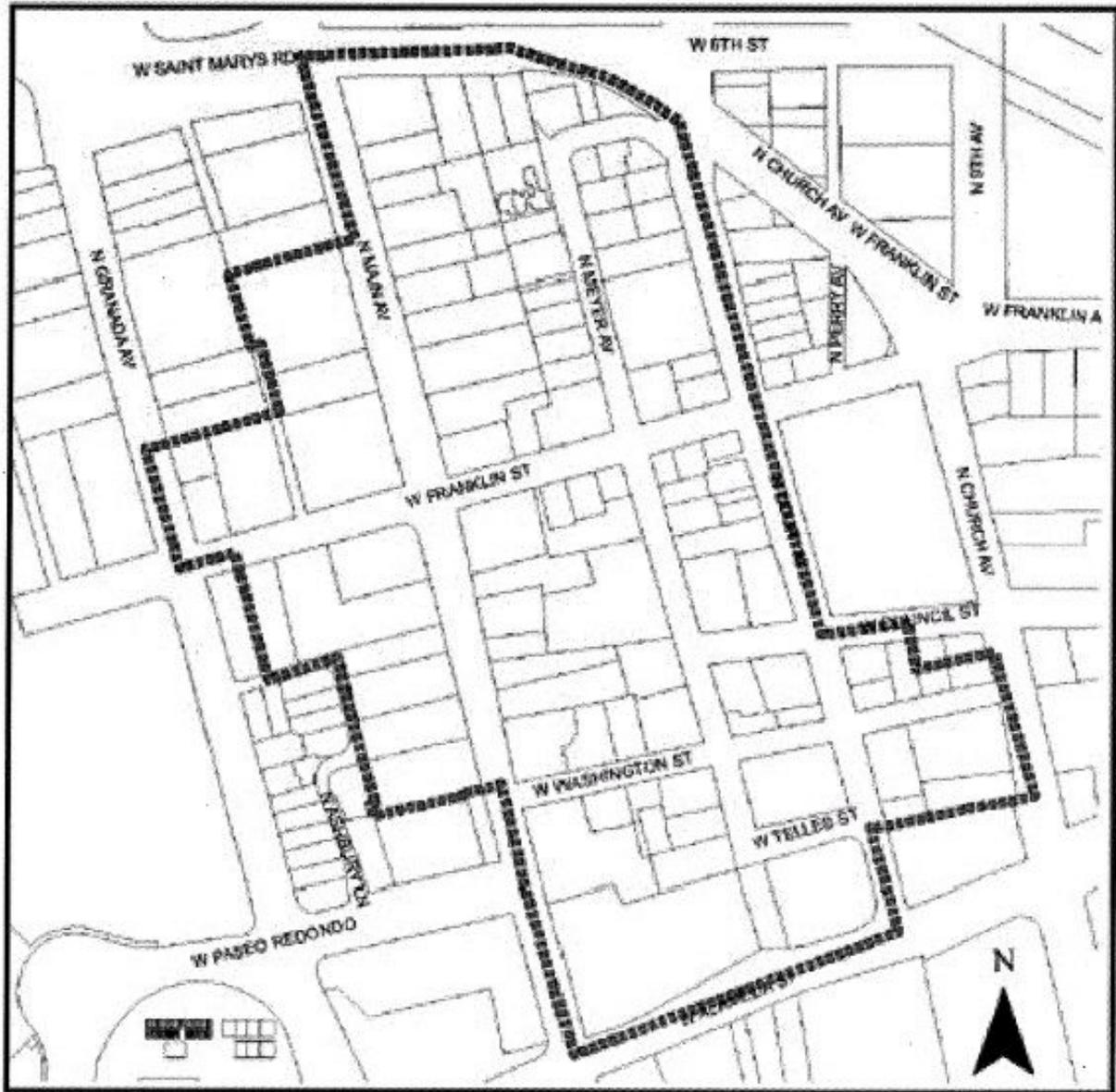
A. *Location:* Historic districts include property established as historic preservation zones pursuant to Sec. 2.8.8 of the Land Use Code and designated with the preface "H" which is added to the assigned residential, office, commercial, or industrial zone designation, i.e., R-1 becomes HR-1. For purposes of this sign code, historic districts are treated as specific mapped districts and are not treated as overlay zones. The established city historic districts are as follows:



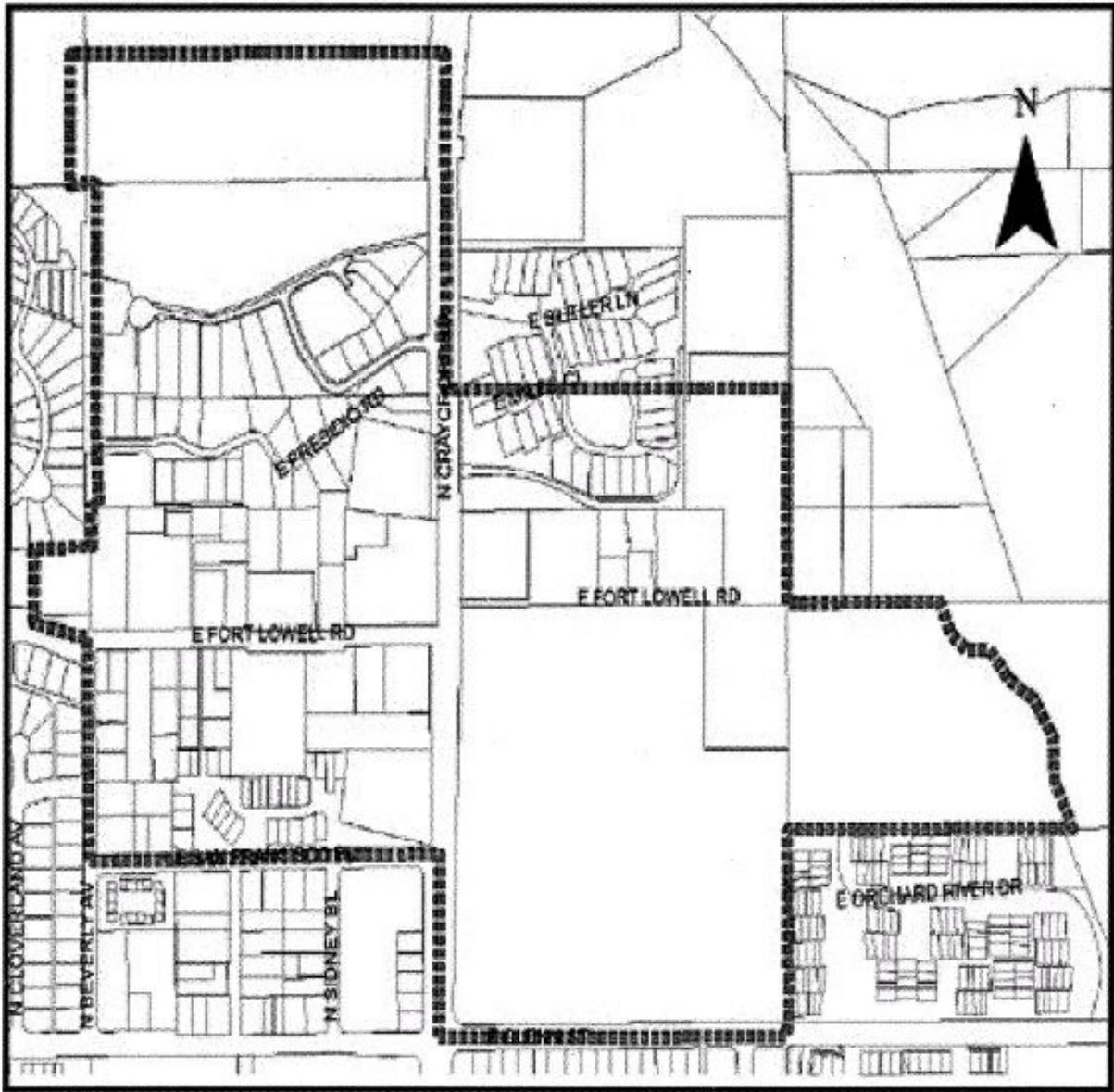
Amory Park Historic District



Barrio Historico Historic District



El Presidio Historic District



Fort Lowell Historic District

B. *Total number of signs:* One (1) per street frontage per premises, except that businesses with frontage on more than two (2) streets are permitted to have a total of no more than three (3) signs.

C. *Maximum area of any sign:* Eight (8) square feet.

D. *Historic district advisory board approval:* All sign permit applications must be approved by the appropriate historic district advisory board.

E. *Protrusion limitation:* No signs may extend above the top of the nearest facade, eaves or firewall of a building or structure.

F. *Illumination:* Signs within the historic district may be illuminated by remote light sources that are shielded from adjacent properties.

G. *Prohibited features:* Visible bulbs, neon tubing, luminous paints, and plastics are prohibited, except as provided in Section 2.8.8.6 and approved in accordance with Section 2.8.8.5 of the Land Use Code.

H. *Permitted signs:*

1. Signs generally permitted by section 3-51 and sign types listed in Article V, except as modified by this subsection for this district, and signs exempt under section 3-52.
2. Awning signs.
3. Banners, building and curbside.
4. Freestanding signs, monument and low profile only.
 - a. Maximum number: One (1) per premises.
 - b. Freestanding signs that include or consist of a three-dimensional representation of a figure or object are prohibited.

5. Portable signs.

- a. May be permitted in this district only after review and approval by the development services director, the applicable historic district advisory board and the Tucson Pima County Historical Commission.
- b. Use is subject to the provisions of section 3-51.F, except that use in this district is not limited to advertisement related to road or water construction.

6. Projecting signs.

- a. Allowed use: Limited to commercial uses only.
- b. Maximum height: Twelve (12) feet from grade (pedestrian surface) to top of sign.
- c. Minimum clearance: Eight (8) feet between grade and bottom of sign.
- d. Maximum projection from building: Five (5) feet.

7. Real estate signs, all types.

- a. Real estate for sale or lease sign. Maximum area for residential properties: Four (4) square feet.

8. Temporary signs.

9. Wall signs.

10. Canopy signs, limited to properties zoned HO-2, HO-3, HNC, HC-1, HC-2, HC-3, HOCR-1 and HOCR-2.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 11076, § 7, 5-29-13)

Sec. 3-82. Pedestrian business district.

A. *Location:* The pedestrian business district includes property as shown in Figure 1: Pedestrian Business District Downtown, Figure 2a: Pedestrian Business District Fourth Avenue and Figure 2b: Pedestrian Business District Park Avenue.

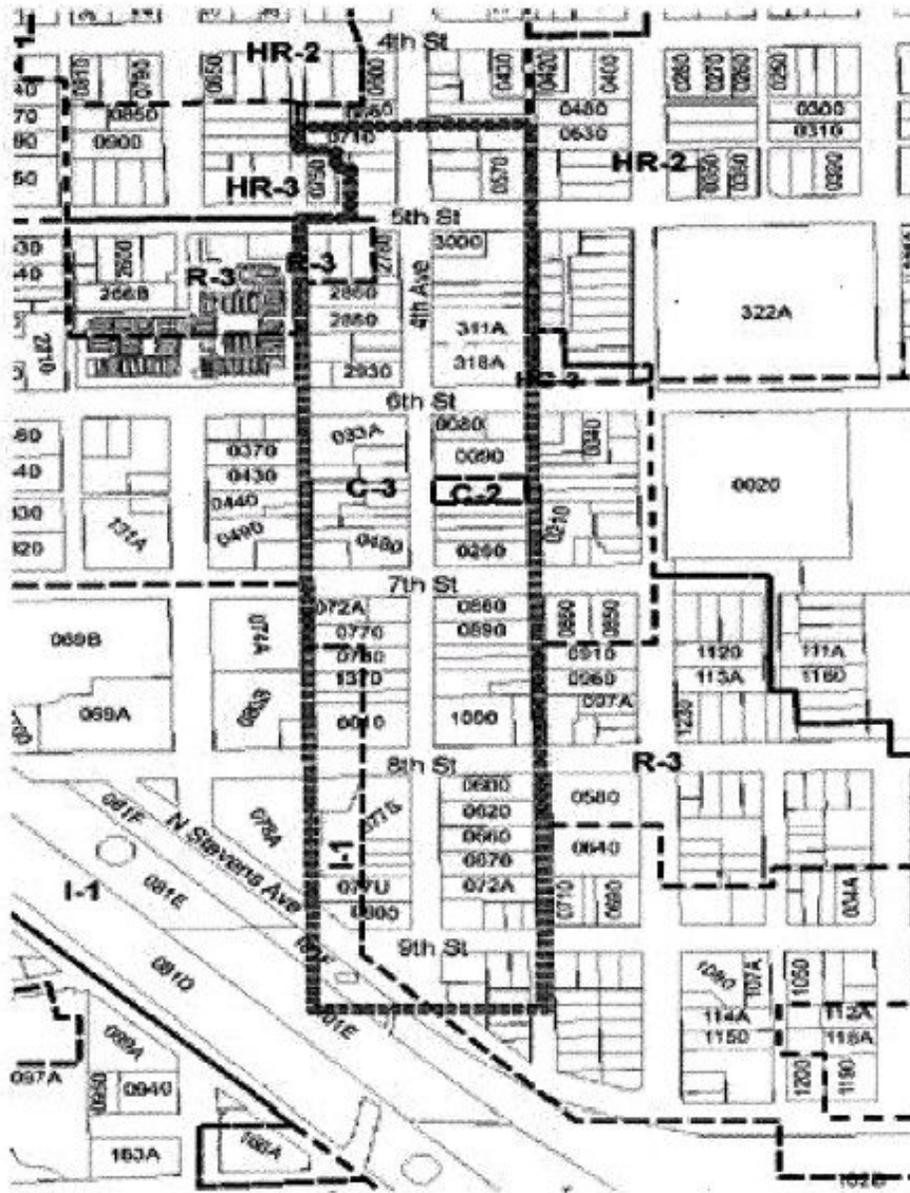


Figure 2a: Pedestrian Business District Fourth Avenue

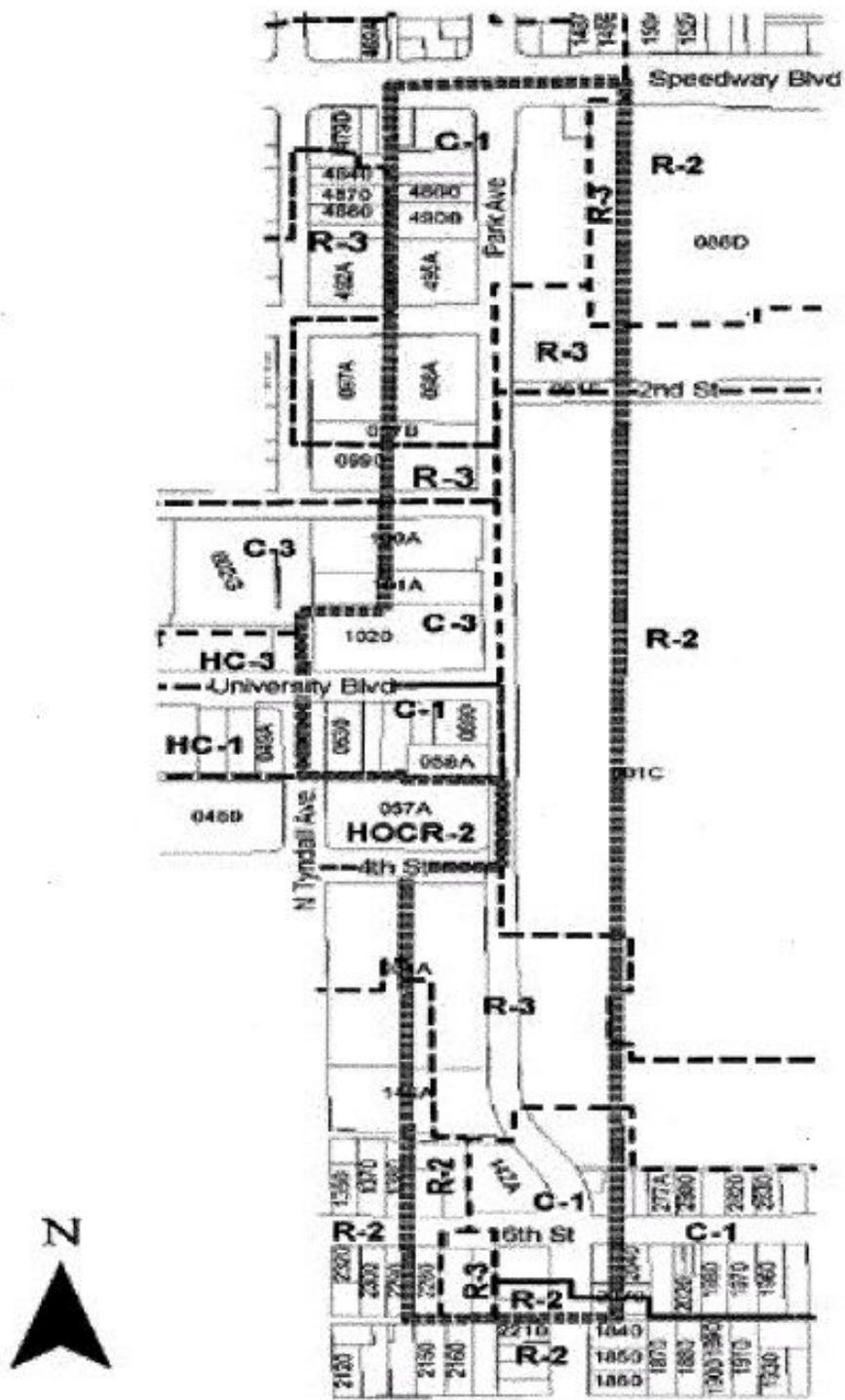


Figure 2b: Pedestrian Business District Park Avenue

B. *Intent*: Signs in the pedestrian business district should provide clear and understandable identification for buildings, businesses and parking. Signs on historic buildings should be carefully designed and located to respect the visual integrity of the historic architecture, including building scale, proportions, surface texture and decorative ornamentation.

C. *Maximum total sign area*: Three (3) square feet per foot of street frontage.

D. *Permitted signs*.

1. Signs generally permitted by section 3-51 and sign types listed in Article V, except as modified by this subsection for this district, and signs exempt under section 3-52.
2. Awning signs.
3. Banners, building and curbside.
4. Freestanding signs, low profile and monument type only.
 - a. Maximum number: One (1) per building per street frontage where a building facade is set back at least ten (10) feet from a public right-of-way, or one (1) per street frontage for a surface parking lot where parking is the primary use of the property.
 - b. Maximum area: Twenty (20) square feet per sign.
 - c. Parking lots: Where used to identify a commercial parking facility, each freestanding sign must display the standard Parking I.D. symbol.
 - d. Maximum height: Twelve (12) feet above grade.
5. Parking signs.
6. Portable signs are permitted subject to the provisions of section 3-51.F, except that use in this district is not limited to advertisement related to road or water construction.

7. Projecting signs.
 - a. Allowed for commercial uses only.
 - b. Maximum area: Twenty (20) square feet.
 - c. Maximum height: Twelve (12) feet from grade (pedestrian surface) to top of sign.
 - d. Minimum clearance: Eight (8) feet between grade and bottom of sign.
 - e. Maximum projection from building: Five (5) feet.
8. Real estate signs, all types.
9. Temporary signs.
10. Traffic directional signs.
11. Wall signs. Maximum size: Thirty (30) percent of the area of each wall.
12. Historic landmark signs (HLS), all types. The first HLS on a premise does not count toward the maximum total sign area.
13. Canopy signs.
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 10903, § 4, 6-28-11; Ord. No. 11076, § 7, 5-29-13)

Sec. 3-83. Scenic corridor zone (SCZ) district.

A. *Location*: The scenic corridor zone (SCZ) district includes any portion of property or parcels within four hundred (400) feet, measured in any direction, of the future right-of-way lines of a scenic route, as designated on the Major Streets and Routes (MS&R) Plan map. If any portion of a development is within the SCZ district, the entire development will be treated, for sign purposes only, as though it were entirely within the SCZ district.

B. *Maximum total attached sign area*:

1. For commercial or industrial uses: one and one-fourth (1.25) square feet per foot of building frontage with a minimum allowance of not less than twenty-five (25) square feet

and a maximum of two hundred fifty (250) square feet per tenant. Signs must be oriented toward a scenic route, arterial street, collector street, or the interior of the premises.

2. For multifamily complexes: Twenty (20) square feet per street frontage.

C. *Land Use Code compliance:* All signs in this District shall comply with applicable provisions of the Land Use Code and must be approved through the applicable review process.

D. *Colors:* All signs shall use colors that are predominant within the surrounding landscape, such as desert and earth tones, as required in the scenic corridor zone provisions of the Land Use Code.

E. *Permitted signs:*

1. Signs generally permitted by section 3-51 and sign types listed in Article V, except as modified by this subsection for this district, and signs exempt under section 3-52.
2. Awning signs.
3. Freestanding signs, monument and low profile only.

a. Maximum number per premises:

- (1) Scenic route: One (1) for the first four hundred fifty (450) feet of scenic route street frontage with one (1) additional sign for every four hundred (400) feet of additional scenic route street frontage.
- (2) Arterial street: One (1) for the first four hundred fifty (450) feet of arterial street frontage with one (1) additional sign for every two hundred fifty (250) feet of additional arterial street frontage.
- (3) Collector Street: One (1) for the first four hundred fifty (450) feet

of collector street frontage within the premises, with one (1) additional sign for every two hundred fifty (250) feet of additional collector street frontage.

b. Maximum area:

- (1) Multifamily residential uses: Twenty (20) square feet per street frontage.
- (2) Commercial or industrial uses: Thirty-five (35) square feet per sign if located within the SCZ buffer, fifty (50) square feet per sign if located outside the SCZ buffer.

c. Maximum height: Ten (10) feet.

d. Location:

- (1) Scenic route: Maximum height signs shall be located no less than seven and one-half (7.5) feet behind the leading edge of the SCZ buffer and within fifty (50) feet of the right-of-way line. Signs may be located one (1) foot closer to the leading edge of the SCZ buffer for each foot (below the maximum) they are reduced in height.
- (2) All other streets: Within twenty (20) feet of the right-of-way line and at least one hundred fifty (150) feet from the centerline of the scenic route.

e. Freestanding signs that include or consist of a three-dimensional representation of a figure or object are prohibited.

f. Lighting: Sign panels shall be opaque. Light shall be emitted through individual translucent letters and/or symbols only, or individual letters and/or symbols may be halo illuminated.

- Unused tenant panels shall be opaque and designed to match the rest of the sign.
- g. Within SCZ buffer electronic message signs and exposed neon signs are prohibited.
4. Menu boards.
5. Medical services directional sign.
- a. Maximum area: Eight (8) square feet.
- b. Maximum height: Four (4) feet to top of sign.
- c. Permitted: Only if no frontage on collector or arterial street.
6. Real estate signs, only types listed.
- a. Real estate for sale or lease signs.
- (1) Maximum area:
- (a) Residential properties: Four (4) square feet.
- (b) Vacant land: Sixteen (16) square feet.
- (c) Commercial and industrial development: Eight (8) square feet. Must be placed on the building for sale or lease and not on any buffer wall, landscape element, etc.
- b. Real estate project identity entrance sign.
- c. Real estate subdivision sign.
- (1) Maximum faces: Two (2).
- (2) Maximum area: Sixteen (16) square feet.
- (3) Maximum height: Ten (10) feet from grade to top of sign.
7. Temporary signs.
8. Traffic directional signs:
- a. Within the scenic corridor thirty (30) foot landscape buffer the following shall apply:
- (1) Minimum site area: Ten (10) acres.
- (2) Maximum area: Three (3) square feet; tenant identification or logo not to exceed one (1) square foot.
- (3) Maximum number: One (1) per vehicular entrance.
- (4) Location: Within twenty (20) feet of the entrance.
9. Wall signs.
10. Canopy signs.
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 10864, § 2, 12-14-10; Ord. No. 10951, § 2, 12-20-11, eff. 1-20-12; Ord. No. 11032, § 1, 11-7-12*; Ord. No. 11076, § 7, 5-29-13)
- *Editor's note** – Section 3 of Ord. No. 10864, as amended by Section 2 of Ord. No. 10951 and Section 1 of Ord. No. 11032, provides: "The provisions of this Ordinance amending Sections 3-33 and [3-83] of the Sign Code shall cease to be effective on January 31, 2016, unless extended by the Mayor and Council by a separate ordinance. If not extended, the sections shall revert to the language as it existed prior to this amending Ordinance. The purpose of this sunset clause is to give the City the opportunity to decide whether to continue to implement Sections 3-33 and [3-83], as amended or to revert to those provisions existing prior to this Ordinance."
- Secs. 3-84 – 3-90. Reserved.**

ARTICLE VII. SIGN MAINTENANCE

Sec. 3-91. Maintenance.

A. Each sign shall be maintained in a safe, presentable and good condition, including the replacement of defective parts, painting, repainting, cleaning, and other acts required for the maintenance of said sign, without altering the basic copy, design or structure of the sign. Any painted sign that is painted out and repainted exactly as it previously existed is

considered maintenance of a sign. The sign code administrator shall require compliance or removal of any sign determined by said official to be in violation of this section.

B. In addition to satisfying the requirements of subsection A, any sign that is constructed of paper, cloth, canvas, light fabric, cardboard, wallboard, plastic or other light material, and that is not rigidly and permanently installed in the ground or permanently attached to a building, must be removed or replaced within one hundred (100) days after it is installed or erected.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-92. Dangerous or defective signs.

No person shall maintain or permit to be maintained on any premises owned or controlled by him or her any sign that is in a dangerous or defective condition. Any such sign shall be promptly removed or repaired by the owner of the sign or the owner of the premises.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-93. Removal of dangerous or defective signs.

The sign code administrator shall remove or cause to be removed any dangerous or defective sign pursuant to the provisions for the unsafe structures and equipment in the International Building Code.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Secs. 3-94, 3-95. Reserved.

ARTICLE VIII. NONCONFORMING SIGNS AND CHANGE OF USE

Sec. 3-96. Signs for legal nonconforming uses.

A. Subject to the provisions of this section, signs for a legal nonconforming use, as defined in the Land Use Code, are allowed. Such signs shall be allowed only so long as the nonconforming use is allowed. A final determination by the zoning administrator that a nonconforming use has been discontinued or abandoned shall also be the final determination of the nonconforming status of the related sign.

B. Any such sign legally existing on the effective date of this sign code but that does not comply with the regulations of this sign code adopted after the sign was legally permitted shall be deemed to be a nonconforming sign and shall be subject to the provisions of this article.

C. Except for reasonable repairs and alterations, no nonconforming sign shall be moved, altered, removed and reinstalled, or replaced, unless it is brought into compliance with the requirements of this Sign Code.

D. Notwithstanding the provisions of Sec. 3-96. C., a nonconforming detached sign may be relocated, altered, removed and reinstalled, or replaced, subject to meeting all of the following conditions:

1. The sign is a legally permitted on-site sign.
2. A sign permit must be obtained prior to commencing any such relocation, alteration, removal and reinstallation, or replacement. The following information must be attached to the sign permit application:
 - a. Photographs of all existing signs on the property.
 - b. Scaled drawings showing copy, height, sizes and location of all existing signs on the property.
 - c. Scaled drawings showing the new configuration of the sign and setback.
3. The sign must be decreased in height by at least twenty percent (20%) and shall not exceed twenty (20) feet in height.
4. The sign must be decreased in sign area by at least twenty percent (20%) and shall not exceed one hundred (100) square feet in area.
5. If the sign shares a common structure with other tenants, the aggregate area of all tenant signs must be reduced by at least twenty percent (20%) and shall not exceed one hundred (100) square feet, and the height of the common structure must be reduced by at least twenty percent (20%) and shall not exceed twenty (20) feet.

6. The new sign and structure configuration must be equipped with pole covers or architectural embellishments that hide or conceal all structural components or braces (such as pipes, angle iron, cables, internal or back framing, bracing, etc.). The pole cover or architectural embellishment may require plan check for construction purposes.
7. No part of the relocated sign and/or structure may occupy or overhang public right-of-way.
8. The sign may be relocated, subject to the following:
 - a. If the sign is ten (10) feet tall or less, the sign shall be at least twenty (20) feet behind the existing or future curb whichever is greater.
 - b. If the sign is greater than ten (10) feet tall, the sign shall be at least thirty (30) feet behind the existing or future curb whichever is greater.
9. The sign has not been declared abandoned, illegal or prohibited.
10. Any nonconforming sign that is relocated, altered, removed and reinstalled, or replaced pursuant to the provisions of this section retains its classification as a nonconforming sign and shall be treated as such.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 10903, § 5, 6-28-11; Ord. No. 10954, § 1, 1-10-12, eff. 7-10-12)

Editor's note – Section 3 of Ord. No. 10954 provides: “The provisions of the Tucson Code, Chapter 3, Article VIII, Section 3-96(D) shall end and be of no effect on July 10, 2013.”

Sec. 3-97. Change of use.

A. Any nonconforming sign may continue to be utilized as long as the occupancy of the use within the structure remains the same. When a use changes from one occupancy category to another, all signs shall be brought into conformance with the provisions of this chapter.

B. Any occupancy not mentioned specifically or about which there is any question shall be classified by the sign code administrator and included in the group which its use most nearly resembles.

C. Occupancy categories:

1. Assembly uses such as theaters, churches, stadiums, review stands and amusement park structures.
2. Educational uses such as nurseries, child-care and other educational purposes.
3. Institutional uses such as hospitals, sanitariums, nursing homes, mental hospitals and sanitariums, jails, prisons and reformatories.
4. Manufacturing and industrial uses such as storage of materials, dry cleaning plants, paint shops, woodworking, printing plants, ice plants, power plants and creameries.
5. Service facilities such as repair garages, aircraft repair hangers, gasoline and service stations.
6. Wholesale uses.

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chapter. Such subpoenas may be personally served by the human resources department or by any process server recognized in the state.

(1953 Code, ch. 10, § 19; Ord. No. 7369, § 16, 3-12-90; Ord. No. 9675, § 2, 2-25-02, eff. 6-30-02)

Sec. 10-22. Salaries of civil service commissioners.

Commissioners shall receive a salary of twenty-four hundred dollars (\$2,400.00) per annum. The chairperson of the commission shall, for the performance of those additional duties required of the position, receive an additional six hundred dollars (\$600.00) per annum.

(Ord. No. 6839, § 1, 11-23-87; Ord. No. 9675, § 2, 2-25-02, eff. 6-30-02)

Secs. 10-23 – 10-30. Reserved.

ARTICLE II. COMPENSATION PLAN*

Sec. 10-31. Establishment and adoption of compensation plan; payment of employees.

Sec. 10-31(1). Compensation policy. The city's compensation system provides equitable and consistent treatment of employees commensurate with internal and external values of classifications and the objective of attracting, retaining and motivating employees. Key measures of employee compensation shall be labor market information and job performance. In addition, for classifications subject to Tucson Code section 10-7, a key measure will be job evaluation grades assigned to classifications based on compensable factors. Job evaluation grades shall be correlated with compensation ranges set forth in salary schedules. Classifications not subject to Tucson Code section 10-7 shall be assigned a range or rate set forth in a salary schedule. Other pay provisions such as commission, shift differential, overtime, standby, weekend premium pay for regularly schedule hours, incentive, special

skills, education, and other certification and special duty pays for designated employee groups may be provided for when adopted and/or reenacted by the mayor and council as part of the annual compensation plan.

(Ord. No. 9675, § 3, 2-25-02; Ord. No. 10003, § 3, 6-28-04)

Sec. 10-31(2). Formulation. Subject to the prior approval of the city manager, the human resources director shall, as part of the budget process, annually recommend a compensation plan for adoption by the mayor and council. The recommended compensation schedules of the compensation plan will retain a competitive posture in the relevant labor markets subject to available funding and current economic trends. Under the direction of the city manager, the human resources director shall annually conduct, or cause to be conducted a labor market survey which, subject to available funding and current economic trends, shall be the basis for the annual compensation schedules recommendation. Such schedules shall provide for the compensation of all persons employed by the city whether classified or unclassified, except the mayor and council and those charter officers appointed directly by the mayor and council (city manager, city attorney, city clerk and city magistrates). (Ord. No. 9675, § 3, 2-25-02)

Sec. 10-31(3). Amendments. Subject to the prior approval of the city manager, amendments to the annual compensation plan may from time to time be initiated, formulated and recommended to the mayor and council.

(Ord. No. 4411, § 1, 11-17-75; Ord. No. 4418, § 1, 12-8-75; Ord. No. 9675, § 3, 2-25-02)

Sec. 10-31(4). Adoption and filing. Prior to the beginning of each fiscal year, subject to Tucson Charter Chapter VII, Sec. 2, the mayor and council shall adopt a compensation plan. Three (3) copies of the compensation plan and all current amendments thereto, shall be kept on file in the office of the city clerk. (Ord. No. 9675, § 3, 2-25-02)

Sec. 10-31(5). Applications. Each person employed by the city, except the mayor and council and those charter officers appointed directly by the mayor and council, (city manager, city attorney, city clerk and city magistrates), shall be paid within a designated range or rate of the compensation schedules. For

***Cross references** – Compensation of senior officers acting as department heads, § 2-3; salary of employees during injury or sickness, § 2-13.

classifications subject to Tucson Code section 10-7, the range shall correlate to the job evaluation grade assigned to the class in which employed. Each person, whether subject to Tucson Code section 10-7 and within a salary range or rate of the compensation schedules, subject to the approval of the city manager shall be placed within a range or at a rate by the human resources director on implementation of the annual compensation plan and as provided by city administrative directive for compensation administration. Changes in rates within the hourly range schedule may be made by the appointing authority in accordance with established criteria. (Ord. No. 7653, § 3, 6-24-91; Ord. No. 8206, § 2, 2-7-94; Ord. No. 8519, § 3, 6-12-95; Ord. No. 9675, § 3, 2-25-02; Ord. No. 10003, § 3, 6-28-04)

Sec. 10-31(6). Implementation. Effective retroactive to June 27, 2004, the position compensation schedules for the Annual Compensation Plan provided for in section 10-31(6) of the Tucson Code for the classified and unclassified employees of the city are amended by adding new rates to special rate schedule, Exhibit J to Appendix A, for weekend premium pay and shift differential pay for that employee group eligible for representation by the American Federation of State County and Municipal Employees to read as set forth in amended attached schedule. (Ord. No. 7780, § 1, 3-16-92; Ord. No. 8316, § 1, 7-5-94; Ord. No. 8712, § 1, 6-10-96; Ord. No. 9675, § 3, 2-25-02; Ord. No. 9866, § 1, 6-23-03; Ord. No. 10003, § 1, 6-28-04; Ord. No. 10021, § 1, 8-2-04)

Sec. 10-31(7). Providing percentages for calculation of compensation from salary schedules for employees in specified assignment positions.

a. Notwithstanding any other provision of section 10-31 of the compensation plan, the assignment positions of chief deputy city attorney; deputy city attorney; fire fighter, trainee; water treatment plant operator, trainee; and utility service worker, trainee, shall be compensated as follows:

- (1) Chief deputy city attorney, one hundred ten (110) percent of the range (from minimum to maximum) for principle assistant city attorney.
- (2) Deputy city attorney, one hundred five (105) percent of the range (from minimum to maximum) for principle assistant city attorney.

- (3) Fire fighter, trainee, eighty-five (85) percent of range 401, step 1.
- (4) Water treatment plant operator, trainee, ninety (90) percent of range 916, step 1.
- (5) Utility service worker, trainee, ninety (90) percent of range 915, step 1.
- (6) Code inspector trainee, ninety-five (95) percent of range 918, step 1.
- (7) Emergency 911 operator, police service operator and public safety dispatcher will receive temporary assignment pay for five (5) percent of the employees base hourly rate for all hours when employee is assigned to train and evaluate an operator-trainee or dispatcher-trainee as part of the departments formal training program.

b. This section is subject to yearly readoption and reenactment by the mayor and council as part of the annual compensation plan. (Ord. No. 9724, § 2, 6-17-02; Ord. No. 9727, § 2, 6-24-02; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10365, § 1, 12-19-06; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10558, § 1, 6-25-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. No. 10806, § 2, 6-15-10, eff. 7-1-10; Ord. No. 10900, § 2, 6-28-11, eff. 7-1-11; Ord. No. 10989, § 3, 6-5-12, eff. 7-1-12; Ord. No. 11075, § 5, 5-21-13, eff. 7-1-13)

Editor's note – Ord. No. 11075, § 5, adopted May 21, 2013, ratified, reaffirmed, and reenacted this section for Fiscal Year 2014. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2013.

Sec. 10-31(8). Payment for uniform maintenance. Subject to the prior approval of the city manager, the human resources director shall, as part of the budget process, annually recommend payment for uniform maintenance consistent with labor agreements and administrative directives. (Ord. No. 10426, § 4, 6-19-07, eff. 6-24-07; Ord. No. 10806, § 2, 6-15-10, eff. 7-1-10; Ord. No. 10900, § 2, 6-28-11, eff. 7-1-11; Ord. No. 10989, § 3, 6-5-12, eff. 7-1-12; Ord. No. 11075, § 5, 5-21-13, eff. 7-1-13)

Editor's note – Ord. No. 11075, § 5, adopted May 21, 2013, ratified, reaffirmed, and reenacted this section for Fiscal Year 2014. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2013.

Ord. No. 8444, § 1, 2-6-95
 Ord. No. 8519, §§ 1, 2, 6-12-95
 Ord. No. 8619, § 1, 1-2-96
 Ord. No. 8712, § 2, 6-10-96
 Ord. No. 8753, § 2, 8-5-96
 Ord. No. 8791, § 1, 1-6-97
 Ord. No. 8842, § 1, 3-17-97
 Ord. No. 8844, § 1, 3-24-97
 Ord. No. 8878, § 1, 6-9-97
 Ord. No. 8975, § 1, 11-3-97
 Ord. No. 9008, § 1, 2-2-98
 Ord. No. 9055, § 1, 5-18-98
 Ord. No. 9068, § 1, 6-8-98
 Ord. No. 9093, § 1, 8-3-98
 Ord. No. 9151, § 1, 11-2-98
 Ord. No. 9191, § 1, 1-11-99
 Ord. No. 9237, § 1, 6-14-99
 Ord. No. 9347, § 1, 2-7-00
 Ord. No. 9352, § 1, 2-28-00
 Ord. No. 9399, § 1, 6-12-00
 Ord. No. 9465, § 1, 9-25-00
 Ord. No. 9475, § 1, 10-16-00
 Ord. No. 9575, § 1, 6-25-01
 Ord. No. 9588, § 1, 8-6-01
 Ord. No. 9677, § 1, 2-25-02 (effective June 30, 2002)
 Ord. No. 9724, §§ 1, 2, 6-17-02
 Ord. No. 9727, §§ 1, 2, 6-24-02
 Ord. No. 9742, § 2, 8-5-02 (retroactive to June 30, 2002)
 Ord. No. 10003, § 1, 6-28-04 (effective June 27, 2004)
 Ord. No. 10165, § 1, 6-14-05 (effective June 26, 2005)
 Ord. No. 10289, §§ 1 – 3, 6-27-06 (effective July 9, 2006)
 Ord. No. 10293, §§ 1, 2, 6-27-06 (retroactive to June 25, 2006)
 Ord. No. 10364, § 1, 12-19-06 (amending Ord. No. 10289)
 Ord. No. 10426, § 1, 6-19-07 (effective June 24, 2007)
 Ord. No. 10491, §§ 1, 2, 1-8-08
 Ord. No. 10550, § 1, 6-17-08 (effective July 1, 2008)
 Ord. No. 10619, §§ 1, 2 (Exh. A), 1-6-09 (effective January 1, 2009)
 Ord. No. 10675, § 1, 6-2-09 (effective July 1, 2009)
 Ord. No. 10806, § 1, 6-15-10 (effective July 1, 2010)
 Ord. No. 10900, § 1, 6-28-11 (effective July 1, 2011)
 Ord. No. 10989, § 2, 6-5-12 (effective July 1, 2012)
 Ord. No. 11075, § 5, 5-21-13 (effective July 1, 2013)

Sec. 10-32. Administration of plan.

(a) Under the direction and supervision of the city manager, the human resources director shall administer the annual position-compensation plan which is predicated on performance and skill based components and principles. A skill based pay component of the position-compensation for any department will not be implemented or administered without prior approval of a department proposal by the human resource director. Consideration and implementation of a proposal for a skill based component requires:

- (1) That a comprehensive review of departmental work practices has been undertaken. This review shall include the evaluation of work practices, the identification of potential improvements that integrate organization change, new work practices and use of new technologies and,
- (2) That benefits and cost savings which will result from the utilization of a skill based pay component for the department have been identified and quantified.
- (3) That there has been a job analysis identifying skill, job description, skill objectives, training program supporting the acquisition of identified skills, and skill based compensation structure.
- (4) That the human resources is satisfied with and approves the proposed skill based component to be appropriate for the classification involved.

(b) In no event shall a skill based pay component for a department be approved if the proposal results in the compensation of positions in a city classification both under the performance and skill based component of the compensation plan. (1953 Code, ch. 10, § 21; Ord. No. 7369, § 18, 3-12-90; Ord. No. 10003, § 3, 6-28-04)

Cross references – Duties of director of personnel pertaining to pensions, § 22-23; duties pertaining to group insurance, § 22-84.

Sec. 10-33. Language communication compensation.

(a) In addition to the compensation authorized by section 10-31, employees who use a language other than English, with proficiency at a conversational level as verified by the director of the department of human resources, a minimum of five (5) percent of the work week, or occupy a position designated by an appointing authority and approved by the city manager as a “language communication” position, shall receive extra compensation in the amount of thirty dollars (\$30.00) per pay period.

(b) Designation of a “language communication” position by the appointing authority and its authorization by the city manager shall be pursuant to procedures to be set forth in city administrative directives.

(c) The director of the department of human resources is responsible for the administration of the language communication compensation program, including, but not limited to, fixing: competency standards; verification procedures for confirming five (5) percent language usage; and criteria to be utilized by appointing authorities when designating “language communications” positions.

(Ord. No. 7937, § 1, 10-26-92; Ord. No. 9540, § 1, 4-16-01; Ord. No. 9562, § 1, 6-11-01; Ord. No. 9727, § 2, 6-24-02; Ord. No. 10165, § 3, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 3, 6-17-08, eff. 7-1-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. No. 10806, § 2, 6-15-10, eff. 7-1-10; Ord. No. 10900, § 2, 6-28-11, eff. 7-1-11; Ord. No. 10989, § 3, 6-5-12, eff. 7-1-12; Ord. No. 11075, § 5, 5-21-13, eff. 7-1-13)

Editor’s note – Ord. No. 11075, § 5, adopted May 21, 2013, ratified, reaffirmed, and reenacted this section for Fiscal Year 2014. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2013.

Sec. 10-33.1. Proficiency pay for commissioned police personnel certified as bilingual users of American Sign Language (ASL) or Spanish.

(a) Effective July 1, 2011, commissioned police personnel who are certified as bilingual users of ASL or Spanish, who use ASL or Spanish a minimum of five (5) percent of the work week, or who occupy a position designated by the police chief and approved by the city manager as regularly requiring a certified bilingual user of ASL or Spanish, will receive eighty-five dollars (\$85.00) per pay period.

(b) Designation of a position as regularly requiring the use of a certified bilingual user of ASL or Spanish by the appointing authority and if authorized by the city manager, shall be pursuant to procedures to be set forth in city administrative directives.

(c) Certified bilingual officers who are receiving compensation under this section are not eligible for language communication compensation under section 10-33.

(d) The director of the department of human resources is responsible for establishing and/or adopting certification standards to ensure that bilingual ASL or Spanish proficiency is at a speed and technical level necessary to accomplish all critical aspects of a commissioned law enforcement officer’s duties in those languages. The department of human resources is also

responsible for the administration of the certified ASL or Spanish proficiency program including but not limited to verification procedures for confirming five (5) percent usage and criteria to be utilized by appointing authorities when designating a position as requiring certified bilingual user proficiency in ASL or Spanish language.

(Ord. No. 10165, § 4, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. No. 10806, § 2, 6-15-10, eff. 7-1-10; Ord. No. 10900, § 2, 6-28-11, eff. 7-1-11; Ord. No. 10989, § 3, 6-5-12, eff. 7-1-12; Ord. No. 11075, § 5, 5-21-13, eff. 7-1-13)

Editor’s note – Ord. No. 11075, § 5, adopted May 21, 2013, ratified, reaffirmed, and reenacted this section for Fiscal Year 2014. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2013.

Sec. 10-34. Incentive pay for fire prevention inspectors.

In addition to the compensation authorized by Tucson Code section 10-31, compensation in the amount of sixty-nine dollars and twenty-three cents (\$69.23) per pay period shall be paid to full time employees holding positions in the Fire Prevention Inspector Classification, Class Code 6412, who achieve and maintain any of the following designations:

International Certified Fire Investigator, certified by the International Association of Arson Investigators;

Fire Inspector II Certification, certified by the State Fire Marshall;

Public Education Specialist II, certified by the State Fire Marshall;

Uniform Fire Code Proficiency Certification, certified by the International Fire Code Institute;

Canine Handler Proficiency for Canine Odor Recognition and Detection of Accelerants, certified by Bureau of Alcohol, Tobacco and Firearms of the United States Treasury Department.

Compensation under this section will be awarded for only one certified designation regardless of the number of certified designations held.

(Ord. No. 8957, § 1, 9-22-97; Ord. No. 9563, § 1, 6-11-01; Ord. No. 9727, § 2, 6-24-02; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No.

10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. No. 10806, § 2, 6-15-10, eff. 7-1-10; Ord. No. 10900, § 2, 6-28-11, eff. 7-1-11; Ord. No. 10989, § 3, 6-5-12, eff. 7-1-12; Ord. No. 11075, § 5, 5-21-13, eff. 7-1-13)

Editor's note – Ord. No. 3965, § 5, adopted Dec. 18, 1972, amended this Code by repealing former § 10-34, relative to the conversion of the salary range schedule to hourly, biweekly and approximate annual rates. The section was derived from the following: 1953 Code, ch. 10, § 35a; Ord. No. 2031, § 1, adopted May 16, 1960, and Ord. No. 2401, § 2, adopted Jan. 7, 1963. Subsequently, Ord. No. 8957 added a new § 10-34.

Ord. No. 11075, § 5, adopted May 21, 2013, ratified, reaffirmed, and reenacted this section for Fiscal Year 2014. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2013.

Sec. 10-34.1. Assignment and incentive pay for maintaining paramedic certification and working as paramedics.

Paramedic assignment pay of one hundred fifty dollars (\$150.00) per month will be paid to commissioned fire personnel who:

- (1) Are promoted to and remain in the classification of paramedic; or
- (2) Are in non-paramedic classifications, have completed new hire probation, possess a national and/or state certification (EMT-P) and are minimally available to work one (1) twenty-four-hour shift per month as a paramedic, which work availability is subject to verification by the fire chief.

(Ord. No. 9399, § 2, 6-12-00; Ord. No. 9522, § 1, 3-5-01; Ord. No. 9727, § 2, 6-24-02; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10289, § 4, 6-27-06; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 3, 6-2-09, eff. 7-1-09; Ord. No. 10806, § 2, 6-15-10, eff. 7-1-10; Ord. No. 10900, § 2, 6-28-11, eff. 7-1-11; Ord. No. 10989, § 3, 6-5-12, eff. 7-1-12; Ord. No. 11075, § 5, 5-21-13, eff. 7-1-13)

Editor's note – Ord. No. 11075, § 5, adopted May 21, 2013, ratified, reaffirmed, and reenacted this section for Fiscal Year 2014. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2013.

Sec. 10-35. Fire battalion chief call back shift pay.

In addition to the compensation authorized by Tucson Code Section 10-31, compensation in the amount of two hundred fifty dollars (\$250.00) for each twelve-hour shift worked outside of a normally

scheduled shift shall be paid to full time employees assigned to suppression duties who hold positions in the Fire Battalion Chief Classification.

(Ord. No. 9091, § 1, 7-6-98; Ord. No. 9727, § 2, 6-24-02; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. No. 10806, § 2, 6-15-10, eff. 7-1-10; Ord. No. 10900, § 2, 6-28-11, eff. 7-1-11; Ord. No. 10948, § 1, 12-5-11; Ord. No. 10989, § 3, 6-5-12, eff. 7-1-12; Ord. No. 11075, § 5, 5-21-13, eff. 7-1-13)

Editor's note – Section 10-35, relating the rate of pay for a class of an employee's original appointment, derived from the 1953 Code, ch. 10, § 22, and Ord. No. 1980, § 1, adopted Nov. 16, 1959, was repealed by § 1 of Ord. No. 7369, adopted Mar. 12, 1990. Subsequently, Ord. No. 9091, § 1, adopted July 6, 1998, added a new § 10-35.

Ord. No. 11075, § 5, adopted May 21, 2013, ratified, reaffirmed, and reenacted this section for Fiscal Year 2014. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2013.

Sec. 10-36. Probationary periods.

All original and promotional appointments of eligible persons to permanent positions shall be made subject to a probationary period. Such probationary period shall commence with the date of appointment, except for entrance into the uniformed service of the police or fire department, when the probationary period shall commence when the employee enters the police or fire training academy. The length of probationary periods shall be as established by civil service commission rules and regulations.

(1953 Code, ch. 10, § 23; Ord. No. 1980, § 2, 11-16-59; Ord. No. 5000, § 9, 6-25-79; Ord. No. 5398, § 1, 6-29-81; Ord. No. 5598, § 1, 6-28-82; Ord. No. 6735, § 2, 7-6-87; Ord. No. 7004, § 5, 7-5-88; Ord. No. 7243, §§ 2, 3, 7-3-89)

Sec. 10-37. Reallocation.

Sec. 10-37(1). Reallocation of positions compensated under skill based pay components of the compensation plan.

(a) When a position is reallocated to a classification that is assigned to a skill based pay structure and the incumbent's skill level is greater than the incumbent's current pay level the incumbent shall receive a pay increase commensurate with the skill pay level and the incumbent's anniversary date shall be changed.

(b) When a position is reallocated to a classification that is assigned to a skill based pay structure and the incumbent's skill level is equal to the incumbent's current pay level or falls between two (2) points within the skill level band the incumbent shall move to the higher level in the range. The anniversary date shall not change. The incumbent must attain the assigned skill level within the next six (6) months to retain the assigned pay level.

(c) When a position is reallocated to a classification that is assigned to a skill based pay structure and the incumbent's current salary is higher than the incumbent's skill pay level the incumbent shall enter the structure with no change to current salary. The anniversary date shall not change. The incumbents shall not receive any further salary increases until the skill level for the assigned salary has been reached.

Sec. 10-37(2). Reallocation of positions compensated under performance based components of the compensation plan.

(a) When a position is reallocated to a classification that is assigned a higher salary range, an incumbent's anniversary date shall be changed and salary increased as though a promotion had occurred.

(b) When a position is reallocated to a classification assigned a lower salary range, an incumbent's salary shall not change if it is equal to either a step or a point within salary ranges but if falling between two (2) steps of a range, the incumbent's salary will not change until the next pay increase at which time the salary will move to the appropriate step within the salary range. The anniversary date shall not change.

(c) When a position is reallocated to a classification assigned a lower salary range an incumbent's salary shall not change if it is greater than the maximum for the classification. The incumbent shall not receive any further salary increases until salary ranges for the classification increase, permitting salary increases under regular administration of the compensation plan.

(Ord. No. 9399, § 3, 6-12-00; Ord. No. 9866, § 3, 6-23-03; Ord. No. 10003, § 3, 6-28-04; Ord. No. 10550, § 4, 6-17-08, eff. 7-1-08)

Sec. 10-37.1. Reserved.

Editor's note – Ordinance No. 8712, § 3, adopted June 10, 1996, repealed § 10-37.1. Formerly, such section pertained to increases in compensation for the pay for performance plan and derived from Ord. No. 8519, § 6, 6-12-95.

Sec. 10-37.2. Reserved.

Editor's note – Ordinance No. 8712, § 3, adopted June 10, 1996, repealed § 10-37.2. Formerly, such section pertained to increases in compensation for the recreation benchmark group and hourly classifications and derived from Ord. No. 8519, § 7, 6-12-95.

Sec. 10-38. Movement within salary ranges.

Movement within salary ranges shall be based upon performance components and or predicated on acquisition of skills set forth in skill based pay components of the compensation plan and also in accordance with the city managers directives for compensation administration.

(Ord. No. 10003, § 4, 6-28-04)

Sec. 10-39. Increases for exceptionally meritorious service.

Notwithstanding any other provision of article II of chapter 10, no person compensated under a performance based component of the compensation plan may receive more than one (1) performance based compensation increase within a year, except for exceptionally meritorious service and then only upon the recommendation of the department head and with the approval of the city manager. Performance pay increases for exceptionally meritorious service will not exceed five (5) percent in addition to the basic performance based pay of five (5) percent or a total maximum of ten (10) percent in any twelve (12) month time period. Persons compensated under a skill based component of the compensation plan shall not receive increases for meritorious service but may receive up to three (3) skill based pay level increases per year as provided for by the structure of the skill based component of the compensation plan.

(Ord. No. 8519, § 8, 6-12-95; Ord. No. 10003, § 5, 6-28-04; Ord. No. 10550, § 5, 6-17-08, eff. 7-1-08)

Editor's note – Formerly, § 10-38.

Secs. 10-40 – 10-44. Reserved.

Editor's note – Sections 10-40 – 10-43 were repealed by § 1 of Ord. No. 7369, adopted Mar. 12, 1990. Section 10-40 dealt with transfers to different classes and was derived from the 1953 Code, ch. 10, § 26, and Ord. No. 5000, § 12. Section 10-41 dealt with reduction in pay on demotion to a lower class and was derived from the 1953 Code, ch. 10, § 27, and Ord. Nos. 5000, § 13, and 5237, § 2. Section 10-42 dealt with pay upon reemployment or reinstatement after separation and was derived from the 1953 Code, ch. 10, § 28, and Ord. No. 1980, § 3. Section 10-43 dealt with reallocation and was derived from Ord. No. 5000, § 15. Ord. No. 5000, § 16, adopted Jun 25, 1979, repealed § 10-44, which pertained to the deduction of lodging, transportation, etc., from compensation rates. The section had been derived from the 1953 Code, ch. 10, § 29.

Sec. 10-45. Computation of hourly rates.

Whenever it becomes necessary or desirable to compute compensation for service on an hourly basis, payment for part-time, emergency, temporary, overtime, or extra time service, and other similar cases, the computation shall be made by the city finance director under the direction of the city manager by applying any generally accepted payroll computation method for translating monthly salaries into equivalent hourly rates. The same formula shall be applied to compensation computations for all persons employed by the city.

(1953 Code, ch. 10, § 30; Ord. No. 7369, § 21, 3-12-90)

Sec. 10-46. Part-time employees to be paid by the hour.

Part-time employees shall be compensated at a rate only for the number of hours worked.

(1953 Code, ch. 10, § 31)

Sec. 10-47. Recruiting referral compensation for commissioned personnel.

(a) In addition to other compensation provided by Tucson Code Chapter 10, Article II employees who refer a police officer or firefighter applicant who is hired within one year of the referral shall receive two hundred dollars (\$200.00), as provided in section (b) following.

(b) In addition to other compensation provided by Tucson Code Chapter 10, Article II commissioned firefighter personnel who refer a firefighter applicant who is hired within one year of the referral shall

receive two hundred dollars (\$200.00), as provided in section (c) following.

(c) The director of human resources is responsible for the administration of recruiting referral compensation, including, but not limited to, providing for criteria to determine an acceptable referral; establishing methods to match referrals with hiring; and approving referral compensation. Payment of recruiting referral compensation for firefighter referrals will occur upon the applicant's successful completion of the Academy.

(Ord. No. 9349, § 1, 2-7-00; Ord. No. 9405, § 1, 6-19-00; Ord. No. 9727, § 2, 6-24-02; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10558, § 2, 6-25-08, eff. 6-22-08; Ord. No. 10900, § 2, 6-28-11, eff. 7-1-11)

Editor's note – Ord. No. 10900, § 2, adopted June 28, 2011, ratified, reaffirmed, and reenacted this section for Fiscal Year 2012. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2011.

Sec. 10-48. Supplement to military pay.

City employees, who pursuant to state law are entitled to military leave without loss of pay for a period not to exceed thirty (30) days in any two (2) consecutive years and fire commissioned personnel who are entitled by section 22-94 to military leave not to exceed thirty (30) days in one (1) year, will, when called to active duty which exceeds either of the preceding thirty (30) day periods for a period that exceeds thirty (30) consecutive days, receive pay to supplement their military base pay and allowances to the equivalent of their regular rate of city pay during the following time period and pursuant to the conditions hereafter provided:

- (1) The supplemental pay will commence July 1, 2002, but pursuant to Tucson Code section 10-31(1), shall expire annually subject to reoption and reenactment as part of the annual compensation plan for the succeeding fiscal year. Notwithstanding, supplemental military pay will not be paid for any period of service if both military operations, Enduring Freedom and Iraqi Freedom, have ended.
- (2) Supplemental military pay is an amount calculated to make the employee's military

base pay and allowances equivalent to the monthly amount of the employee’s regular rate of city pay as set forth in the adopted annual compensation plan that the employee would have received, were the employee not on active duty.

- (3) The employee performs extended military service, meaning for a period exceeding thirty (30) consecutive days, while either military operations Enduring Freedom and Iraqi Freedom are in existence.
- (4) The thirty (30) day period of military leave for which the employee is entitled to pay by state law or section 22-94 during military service has been or becomes exhausted during the period of military service.
- (5) The employee’s base monthly military pay and allowances during any qualifying period is less than the amount the employee would have received as the employee's regular rate of pay per month from city employment were the employee not on active duty and as provided for in the city annually adopted compensation plan.
- (6) The employee provides proof of military service, base military pay and allowances pursuant to procedures to be established by the human resources director. The director shall certify that the employee’s base military pay and allowances received per month is less than the amount the employee would have received as his regular rate of city pay per month were the employee not on active duty before any payment of supplemental military pay will be made to an employee.

(Ord. No. 9641, § 1, 12-10-01; Ord. No. 9709, § 1, 6-3-02; Ord. No. 9866, § 4, 6-23-03; Ord. No. 10003, § 6, 6-28-04; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. No. 10806, §§ 2, 3, 6-15-10, eff. 7-1-10; Ord. No. 10814, § 1, 7-7-10; Ord. No. 10900, § 2, 6-28-11, eff. 7-1-11; Ord. No. 10989, § 3, 6-5-12, eff. 7-1-12; Ord. No. 11075, § 5, 5-21-13, eff. 7-1-13)

Editor’s note – Ord. No. 11075, § 5, adopted May 21, 2013, ratified, reaffirmed, and reenacted this section for Fiscal Year 2014. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2013.

Sec. 10-49. Holiday and BOI pay for commissioned officers of the Tucson police department of the position of lieutenant and assignment positions of captain and assistant chief.

(a) In addition to the compensation authorized by section 10-31, commissioned officers of the position of lieutenant and assignment positions of captain and assistant chief shall receive holiday pay for any holiday worked which shall result in one (1) extra day of pay for that holiday.

(b) In addition to the compensation authorized by section 10-31, commissioned officers of the position of lieutenant and assignment positions of captain and assistant chief shall receive one (1) day of board of inquiry pay when called out to serve on a boards of inquiry. Board of inquiry pay shall be equivalent to one (1) day of pay at the regular rate of pay for the employee who is called out. No more than one (1) day of board of inquiry pay shall be received by any employee for the same board.

(Ord. No. 10003, § 7, 6-28-04; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. No. 10806, §§ 2, 3, 6-15-10, eff. 7-1-10; Ord. No. 10900, § 2, 6-28-11, eff. 7-1-11; Ord. No. 10989, § 3, 6-5-12, eff. 7-1-12; Ord. No. 11075, § 5, 5-21-13, eff. 7-1-13)

Editor’s note – Ord. No. 11075, § 5, adopted May 21, 2013, ratified, reaffirmed, and reenacted this section for Fiscal Year 2014. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2013.

Sec. 10-50. Reserved.

Editor’s note – Prior to the reenactment of § 10-49 by Ord. No. 10003, Ord. No. 7369, § 1, adopted March 12, 1990, repealed § 10-49 relating to compensation of craftsmen in building trades, derived from the 1953 Code, ch. 10, § 34, and § 10-50, declaring the state prevailing wage scale a public record, derived from Ord. No. 2279, § 1, adopted March 19, 1962.

Sec. 10-51. Basic working hours; alternate work schedules for city employees are authorized subject to city manager approval.

(a) The number of basic working hours for each full time employee shall be forty (40) hours per week, except that in the fire department the work week may be modified as permitted by the Fair Labor Standards Act, but such work week shall not be less than forty (40) hours per week.

(b) Pursuant to A.R.S. § 23-391(B), city employees are authorized to work forty (40) hours in fewer than five (5) working days subject to their classification being approved by the city manager if, in his discretion, city services can be maintained or improved.

(c) The city manager is also authorized, consistent with subsections (a) and (b) above, to review and approve additional alternate work schedules for city employees if the city manager decides, in his discretion, that city services can be maintained or improved.
 (1953 Code, ch. 10, § 38; Ord. No. 1980, § 8, 11-16-59; Ord. No. 3318, § 1, 9-2-69; Ord. No. 5000, § 14, 6-25-79; Ord. No. 7369, § 22, 3-12-90; Ord. No. 9183, § 1, 1-4-99)

Sec. 10-52. Longevity compensation plan.

The longevity compensation plan is hereby adopted and is designed to reward continuous satisfactory service in municipal employment in all classes of positions both classified and unclassified according to the following schedule:

Years of Service	Percent of Annual Salary of Longevity Premium
0 through 5th year	0
Beginning of 6th year through end of 10th year	4
Beginning of 11th year through end of 15th year	6
Beginning of 16th year through end of 20th year	8
Beginning of 21st year and following	10

Payment of longevity premium will be subject to the following:

- (1) *Years of service.* These are considered as years of full-time service as a city employee of any class beginning with the starting date of the employee’s first appointment. Any time served as a part-time employee (working less than twenty-one (21) hours per week or less than forty-two (42) hours per

pay period) will not count toward eligibility for longevity pay. Any time in a leave-without-pay status in excess of ten (10) continuous working days will not count as time of service for longevity eligibility, but also will not be considered as a break in service. Military leave will fully count toward eligibility for longevity pay.

- (2) *Method of payment.* The longevity premium will be paid in two (2) semi-annual installments: Half of the annual amount on the payday for the pay period in which June 1 falls, and half on the payday for the pay period in which December 1 falls. This is done so as to provide additional funds when needed most: around June 1 for vacation expenses, and around December 1 for holiday expenses. Employees becoming eligible for longevity compensation for the first time or becoming eligible for an increased increment will receive the first longevity premiums or increment increase amount on a pro rata basis for the period of eligibility in a method to be determined by the finance department.
- (3) *Percentage of annual pay.* The amount of longevity pay will be based on the stated fixed percentage of the salary actually received by the employee during the six-month period immediately preceding the dates upon which longevity payments shall be made, as set forth in subsection (2) hereof. For purposes of this section the term “salary actually received by the employee” shall not include salary received in excess of the base pay.
- (4) *Deductions.* Longevity pay will be subject to all applicable taxes and pension deductions. Such deductions will be made from longevity pay for amounts withheld.
- (5) *Table.* A table of longevity payments will be established by the finance department showing semiannual longevity payment amounts at each pay step for each “percentage of annual pay” and will be available for use of all concerned.

(6) *Determination of eligibility.* The personnel department will be responsible for the accurate determination twice each year of each employee’s length of service, including approved prior service credit, if any, and the resulting eligibility for the proper annual percentage of longevity pay.

(7) *Eligibility for benefits.* The provisions of this section shall not be applicable to any individual entering into employment with the city on or after May 1, 1977.

(Ord. No. 3345, § 1, 10-16-69; Ord. No. 3597, § 1, 1-25-71; Ord. No. 4077, § 1, 8-6-73; Ord. No. 4330, § 1, 2-24-75; Ord. No. 4642, § 1, 5-2-77; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. No. 10806, § 2, 6-15-10, eff. 7-1-10; Ord. No. 10900, § 2, 6-28-11, eff. 7-1-11; Ord. No. 10989, § 3, 6-5-12, eff. 7-1-12; Ord. No. 11075, § 5, 5-21-13, eff. 7-1-13)

Editor’s note – Ord. No. 11075, § 5, adopted May 21, 2013, ratified, reaffirmed, and reenacted this section for Fiscal Year 2014. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2013.

Sec. 10-53. Pipeline protection program; compensation.

(a) In addition to the compensation authorized by section 10-31, city water department employees, when assigned to the pipeline protection program and receiving training in the pipeline protection skills verified as necessary by the human resource director, shall receive a pay increase of seven and one-half (7 1/2) percent calculated on the employee’s base salary as designated by the annual compensation plan.

(b) In addition to the compensation authorized by section 10-31, city water department employees, when assigned to the pipeline protection program and fully trained in the pipeline protection skills verified as necessary by the director of human resources, shall receive a pay increase of ten (10) percent calculated on the employee’s base salary as designated by the annual compensation plan.

(c) In accordance with Rule VI Section 8 of the Rules and Regulations of the Civil Service Commission of the City of Tucson, pipeline protection program work assignments are temporary and at the discretion of the director of the water department; assignment to and removal from the pipeline protection program is not appealable to the city service commission.

(d) The director of human resources is responsible for the administration of pipeline protection program compensation, including, but not limited to, fixing competency and proficiency standards and setting criteria to be utilized by the water department director when making a pipeline protection program assignment.

(Ord. No. 9519, § 1, 2-26-01; Ord. No. 9727, § 2, 6-24-02; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. No. 10806, § 2, 6-15-10, eff. 7-1-10; Ord. No. 10900, § 2, 6-28-11, eff. 7-1-11; Ord. No. 10989, § 3, 6-5-12, eff. 7-1-12; Ord. No. 11075, § 5, 5-21-13, eff. 7-1-13)

Editor’s note – Ord. No. 11075, § 5, adopted May 21, 2013, ratified, reaffirmed, and reenacted this section for Fiscal Year 2014. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2013.

Sec. 10-53.1. Permanent and probationary city civil service employees and elected officials and appointed employees downtown allowance.

(a) An allowance of twenty-five dollars (\$25.00) per month shall be paid to permanent city civil service employees and elected officials and appointed employees working in the downtown city area bounded by 6th Street as the Northern Border, 12 Street as the Southern Border, I-10 as the Western Border and 4th Avenue as the Eastern Border, subject to the exception of subparagraph (b) following.

(b) Permanent and probationary city civil service employees and elected officials and appointed employees, working within the downtown boundaries of subparagraph (a) who utilize an assigned marked city vehicle for all or part of their commute, are provided parking by a city department, or receive a vehicle allowance instead of an assigned city vehicle are excepted from the allowance. Additionally, permanent and probationary employees and appointed employees of the Tucson Police Department, Fire Department and the Tucson Convention Center are excepted from the allowance.

(Ord. No. 9558, § 1, 6-11-01; Ord. No. 9608, § 1, 10-1-01; Ord. No. 9727, § 2, 6-24-02; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10633, § 1, 2-10-09, eff. 1-1-09; Ord. No. 10675, § 4, 6-2-09, eff. 7-1-09; Ord. No. 10806, § 2, 6-15-10, eff. 7-1-10; Ord. No. 10900, § 2, 6-28-11, eff. 7-1-11; Ord. No. 10989, § 3, 6-5-12, eff. 7-1-12; Ord. No. 11075, § 5, 5-21-13, eff. 7-1-13)

Editor’s note – Ord. No. 11075, § 5, adopted May 21, 2013, ratified, reaffirmed, and reenacted this section for Fiscal Year 2014. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2013.

Sec. 10-53.2. Maintenance management program, assignment and incentive pay compensation.

(a) City water department employees assigned to the maintenance management program team shall receive incentive pay of three hundred dollars (\$300.00) provided the team fully achieves quarterly team performance metrics, as verified by the director of human resources.

(b) Maintenance management program work assignments are at the discretion of the director of the water department; assignment to and removal from the maintenance management program is not appealable to the civil service commission

(c) The director of human resources is responsible for the administration of incentive pay associated with the maintenance management program. The human resources director shall fix competency and proficiency standards, verify and competencies and set criteria to be utilized by the water department director when making a maintenance management program assignment and verify that performance team metrics are met before any quarterly incentive payment is made.

(d) This section is subject to annual readoption and reenactment by the mayor. (Ord. No. 9797, § 1, 12-9-02; Ord. No. 10003, § 8, 6-28-04; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. No. 10806, § 2, 6-15-10, eff. 7-1-10; Ord. No. 10900, § 2, 6-28-11, eff. 7-1-11; Ord. No. 10989, § 3, 6-5-12, eff. 7-1-12; Ord. No. 11075, § 5, 5-21-13, eff. 7-1-13)

Editor’s note – Ord. No. 11075, § 5, adopted May 21, 2013, ratified, reaffirmed, and reenacted this section for Fiscal Year 2014. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2013.

Sec. 10-53.3. Career enhancement program (CEP) incentive pay for commissioned police personnel through rank of captain.

(a) A career enhancement program (CEP) with a biannual compensation incentive for educational attainment, participation in special assignments and fitness levels is authorized. It shall be developed and administered by the police department with the human resources director having program oversight and control. This oversight and control shall include approval of any competency and proficiency standards, educational standards and other such criteria. The human resources department shall verify that program requirements are met and/or maintained before any biannual compensation is made to anyone authorized to participate in the CEP.

(b) There shall be three (3) levels of graduated CEP pay based on points:

- (1) Level One, 20 points. \$150.00
- (2) Level Two, 30 points. \$250.00
- (3) Level Three, 40 points. \$350.00

(c) Commissioned police personnel through rank of captain participating in the CEP will receive CEP biannual incentive compensation dependent on CEP points attained. Compensation will be paid biannually on the second payday in March and September, except for the first payment after commencement of the program, which shall be paid on the second payday of June, 2005. To be eligible for the biannual payments, points must be attained prior to the cutoff date for submitting the form for processing payment. The form must be correctly submitted no later than February 28, for the March payment and August 31 for the September payment, except that the form for the first payment after commencement of the program must be submitted no later than April 1, of 2005.

(d) Annual compensation recommendations for CEP will be on a total compensation basis and not on top of or in excess of the salary/benefits budget and will be addressed through the normal budgeting process and is subject to annual re-adoption and reenactment by the mayor and council as part of the annual compensation plan.

(Ord. No. 10136, § 1, 3-22-05; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. No. 10806, § 2, 6-15-10, eff. 7-1-10; Ord. No. 10900, § 2, 6-28-11, eff. 7-1-11; Ord. No. 10989, § 3, 6-5-12, eff. 7-1-12; Ord. No. 11075, § 5, 5-21-13, eff. 7-1-13)

Editor's note – Ord. No. 11075, § 5, adopted May 21, 2013, ratified, reaffirmed, and reenacted this section for Fiscal Year 2014. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2013.

Sec. 10-53.4. Additional compensation for certain public safety command staff.

The following public safety classifications shall receive four thousand dollars (\$4,000.00) annually in addition to the compensation provided in the Annual Compensation Plan Schedules to be paid biweekly.

The classifications to receive this additional compensation are police lieutenant, police lieutenant-assignments to captain and assistant police chief, fire battalion chief, and fire battalion chief-assignments to staff and assistant fire chief.

(Ord. No. 10289, § 5, 6-27-06; Ord. No. 10426, § 3, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. No. 10806, § 2, 6-15-10, eff. 7-1-10; Ord. No. 10900, § 3, 6-28-11, eff. 7-1-11; Ord. No. 10989, § 3, 6-5-12, eff. 7-1-12; Ord. No. 11075, § 5, 5-21-13, eff. 7-1-13)

Editor's note – Ord. No. 11075, § 5, adopted May 21, 2013, ratified, reaffirmed, and reenacted this section for Fiscal Year 2014. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2013.

Sec. 10-53.5. Honor guard assignment pay for fire commissioned personnel.

Commissioned fire guard personnel assigned to the Tucson Fire Department Honor Guard by the fire chief shall receive twenty-five dollars and thirty cents (\$25.30) per pay period in addition to compensation provided by the Annual Compensation Plan Schedules. (Ord. No. 10289, § 6, 6-27-06; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. No. 10806, § 2, 6-15-10, eff. 7-1-10; Ord. No. 10900, § 2, 6-28-11, eff. 7-1-11; Ord. No. 10989, § 3, 6-5-12, eff. 7-1-12; Ord. No. 11075, § 5, 5-21-13, eff. 7-1-13)

Editor's note – Ord. No. 11075, § 5, adopted May 21, 2013, ratified, reaffirmed, and reenacted this section for Fiscal Year 2014. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2013.

Sec. 10-53.6. Additional compensation to defray housekeeping costs for commissioned fire personnel.

Commissioned fire personnel shall receive twenty-nine dollars and eighteen cents (\$29.18) per pay period in addition to compensation provided by the Annual Compensation Plan Schedules to defray housekeeping costs.

(Ord. No. 10426, § 5, 6-19-07, eff. 6-24-07; Ord. No. 10558, § 3, 6-25-08, eff. 6-22-08)

Sec. 10-53.7. Reserved.

Editor's note – Ord. No. 10675, § 5, adopted June 2, 2009, effective July 1, 2009, repealed § 10-53.7, which pertained to additional compensation in place of clothing allowance and derived from Ord. No. 10558, § 4, adopted June 25, 2008.

ARTICLE III. RESERVED

Sec. 10-54. Reserved.

Editor's note – Section 10-54, the executive pay plan, was repealed by § 1 of Ord. No. 7383, adopted Mar. 19, 1990. The section had been derived from Ord. Nos. 4850, 4940, 4985, 5164, 5399, 5599, 5798, 6040, 6264, 6735, 7004, 7243, 7275. See now § 10-31.

Chapter 11

CRIMES AND OFFENSES*

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- Sec. 11-29. Indecent exposure.
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Article II. Methamphetamine

- Sec. 11-71. Sale of products containing pseudoephedrine.
Sec. 11-72. Retail establishment's right to refuse sale.
Secs. 11-73 – 11-87. Reserved.

Sec. 11-50. Boarding, alighting from moving trains.

It shall be unlawful for any person, other than a railroad employee, a passenger or person intending to become a bona fide passenger, or an officer of the law, to get on or off an engine or car upon any railroad while such engine or car is in motion. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor.

(1953 Code, ch. 18, § 41)

Sec. 11-51. Reserved.

Editor's note – Ord. No. 4553, § 1, adopted Aug. 23, 1976, specifically amended the Code by repealing § 11-51, which had pertained to trains blocking railroad crossings. The section had been derived from the 1953 Code, ch. 18, § 42.

Sec. 11-52. Loitering, congregating about railroad yards.

It shall be unlawful for any person, other than railroad employees, to assemble, congregate or gather, or to remain idly loitering in or about any railroad freight depot, warehouse or railroad yard, or where railroad cars are being loaded, unloaded, repaired or iced, unless such person has the express permission of the owner or lessee in possession or use of such railroad property so as to assemble, congregate or gather, or loiter.

(1953 Code, ch. 18, § 43)

Sec. 11-53. Soliciting passengers or baggage at railways or hotels.

It shall be unlawful for any person to enter in or upon any depot, depot ground, hotel or hotel ground for the purpose of soliciting passengers or baggage to be transported or carried in any manner, without the consent of the owner of such ground or the person in charge thereof.

(1953 Code, ch. 18, § 45)

Sec. 11-54. Urinating or defecating in public.

It is unlawful for any person to urinate or defecate in a public place, or in any place exposed to public view, except an established lavatory or toilet.

(Ord. No. 5340, § 3, 4-6-81)

Editor's note – Ord. No. 4554, § 1, adopted Aug. 23, 1976, specifically amended the Code by repealing § 11-54 which pertained to spitting. The section had been derived from the 1953 Code, ch. 18, § 46. Subsequently, 3 of Ord. No. 5340, adopted Apr. 6, 1981, enacted a new § 11-54.

Sec. 11-55. Definition of firearm and air gun; possession of firearms and air guns by minors; forfeiture of weapon, penalties.**(a) Definitions:**

(1) *Firearm* means any loaded or unloaded handgun, pistol, revolver, rifle, shotgun or other weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, except that it does not include a firearm in permanently inoperable condition.

(2) *Air gun* means any loaded or unloaded handgun, pistol, revolver, rifle, BB gun or pellet gun which will or is designed to or may readily be converted to expel a projectile by the action of compressed air or other gasses, except that it does not include an air gun in permanently inoperable condition.

(b) A minor who is unaccompanied by a parent, grandparent or guardian, or a certified hunter safety instructor or certified firearms safety instructor acting with the consent of the minor's parent or guardian shall not knowingly carry or possess on the minor's person, within the minor's immediate control, or in or on any means of transportation a firearm or air gun in any place that is open to the public or on any street or highway or on any private property owned or leased by the minor or the minor's parent, grandparent or guardian.

(c) This section does not apply to a minor who is fourteen (14), fifteen (15), sixteen (16) or seventeen (17) years of age and who is engaged in any of the following:

(1) Lawful hunting or shooting events or marksmanship practice at established ranges or other areas where the discharge of a firearm or air gun is not prohibited.

- (2) Lawful transportation of an unloaded firearm or air gun for the purpose of lawful hunting.
- (3) Lawful transportation of an unloaded firearm between the hours of 5:00 a.m. and 10:00 p.m. for the purpose of shooting events or marksmanship practice at established ranges or other areas where the discharge of a firearm is not prohibited.

Any activity that is related to the production of crops, livestock, poultry products or ratites or storage of agricultural commodities.

(d) If the minor is in possession of a firearm or air gun and unaccompanied as required by subsection (b) of this section, a peace officer shall seize the firearm or air gun at the time the violation occurs. The law enforcement agency responsible for the seizure of firearms as provided herein, shall hold the firearm until the charges have been adjudicated or otherwise disposed of.

(e) Any person who violates subsection (b) is guilty of a class two misdemeanor, and in addition to any other disposition authorized by Title 8 of the Arizona Revised Statutes, the court may:

- (1) Order the suspension or revocation of the minor’s driver’s license. If the minor does not have a driver’s license at the time of adjudication, the court may direct that the department of transportation not issue a driver’s license to the minor until the minor reaches eighteen (18) years of age.
- (2) Order that the firearm or air gun seized pursuant to subsection (d) be forfeited and sold, destroyed or otherwise properly disposed of.

(f) Any parent or guardian of a minor who permits, or by insufficient control allows, the minor to carry or possess a firearm or air gun in violation of subsection (b) is guilty of a class two misdemeanor.

(g) This section is supplemental to any other law imposing a criminal penalty for the use or exhibition of a deadly weapon. A minor who violates this section may be prosecuted and convicted for any other criminal

conduct involving the use or exhibition of the deadly weapon.
(Ord. No. 7933, § 2, 10-26-92; Ord. No. 8164, § 1, 11-15-93; Ord. No. 9416, § 1, 7-10-00)

Sec. 11-56. Reporting of stolen and/or lost firearms required.

(a) Any person who owns or possesses a firearm shall report the theft or loss of such firearm to the Tucson police department within forty-eight (48) hours of the time he or she knew or should have known the firearm has been stolen or lost, when either the owner or possessor resides in the city, or the theft or loss of the firearm occurs in the city. As used in this section, “firearm” has the same set forth in A.R.S. 13-105(19).

(b) The provisions of subsection (a) of this section shall not apply to any of the following:

- 1. Law enforcement officials while engaged in their official duties;
- 2. Members of the armed forces of the United States, or of the national guard, while engaged in their official duties;
- 3. Firearms dealers and manufacturers licensed under federal law who are subject to the reporting requirements of 18 U.S.C. 923(g)(6).

(c) A failure to report the loss or theft of a firearm as required in this section is a violation of the provisions of this section and constitutes a civil infraction, punishable by a civil sanction of one hundred dollars (\$100.00).
(Ord. No. 11081, § 1, 5-29-13)

Sec. 11-57. Reserved.

Editor’s note – Ord. No. 10126, § 19, adopted March 1, 2005, repealed § 11-57, which pertained to handbills; posting on public property and utility poles prohibited; civil infraction, costs of removal; minimum penalties and derived from Ord. No. 7699, § 1, adopted Oct. 7, 1991; Ord. No. 8958, § 3, adopted Sept. 22, 1997.

Sec. 11-58. Water ditches, natural drainage channels – Deposit of offensive matter; obstructions.

It shall be unlawful for any person to deposit or cause to be deposited in any acequia, water ditch, arroyo, or natural drainage channel, within the city, any filth, rubbish, garbage or any other matter or thing which is offensive to the sight or smell, or is derogatory to health, or trash, weeds or waste materials which in any manner obstruct or impede the natural or easy flow of the waste therein, or permit from the premises occupied by such person any house drainage or sewerage or any soapsuds or waste water in which any clothing or other materials have been washed, rinsed or cleaned, or any impure water whatever to drain into any such ditch, acequia, arroyo or natural drainage channel. (1953 Code, ch. 18, § 54; Ord. No. 1839, § 1, 7-21-58)

Cross reference – Sewerage and sewage disposal generally, ch. 24.

Sec. 11-59. Same – Duty of abutting property owners to clean.

It shall be unlawful for all persons owning or occupying premises within the city through which an acequia, arroyo, water ditch, or natural drainage channel runs not to keep such arroyo, acequia, water ditch or natural drainage channel at all times free from all rubbish, garbage, filth, growing vegetation, brush, and any and all foreign matter and things whatever, which may obstruct the natural and easy flow of the water therein, or which may endanger the health, safety or welfare of residents of the vicinity or the public in general. (1953 Code, ch. 18, § 55; Ord. No. 1839, § 2, 7-21-58)

Sec. 11-60. Same – Duty to clean upon notice.

It shall be the duty of persons mentioned in section 11-59, on notice in writing from the chief of the fire department or director of public works or their authorized deputies, to forthwith remove from any acequia, arroyo, water ditch or natural drainage channel which runs through their property within the city any rubbish, garbage, filth, growing vegetation, foreign matter of any type, or anything whatsoever which may impede the natural and easy flow of water, endanger or injure neighboring property or the free use and enjoyment of same, or endanger the health, welfare or safety of residents in the vicinity, or the public in

general, within five (5) days from the date of such notice. (1953 Code, ch. 18, § 55a; Ord. No. 1839, § 3, 7-21-58)

Sec. 11-61. Same – How notice to clean given; failure to comply.

The notice provided for in section 11-60 shall be given by registered letter to the owner at his last-known address and to the occupant; and if unoccupied, by posting the same in a conspicuous place on the property. If, within ten (10) days after giving such notice, the rubbish, garbage, filth, growing vegetation, foreign matter or thing mentioned in the notice shall not be removed, the chief of the fire department or director of public works, or their authorized deputies, shall then cause same to be removed at the expense of the owner of the property. A verified statement of the costs and expense in connection therewith shall be mailed to the record owner at his last-known address and to the occupant. The record owner shall be liable for the payment of the expense to the city, and an appropriate action in any court of competent jurisdiction may be maintained to collect the expense. (1953 Code, ch. 18, § 55b; Ord. No. 1839, § 4, 7-21-58)

Sec. 11-62. Same – Nuisances declared.

The presence of garbage, trash, refuse, grass clippings and other waste materials, or the accumulation and presence of weeds, brush and natural vegetation to the extent that it impedes, obstructs or hinders the easy natural flow of drainage or floodwaters in any arroyo, water ditch, acequia or natural drainage channel is hereby declared a public nuisance; such nuisance may be abated by appropriate action in any court of competent jurisdiction by the city in addition to other remedies provided by law. (1953 Code, ch. 18, § 55c; Ord. No. 1839, § 5, 7-21-58)

Sec. 11-63. Same – Violations, penalties.

Any person violating any of the provisions of sections 11-58, 11-59 and 11-60 shall be guilty of a misdemeanor; and upon conviction thereof shall be punished by a fine not to exceed one hundred dollars (\$100.00), or by imprisonment not to exceed ten (10) days, or by both such fine and imprisonment. (1953 Code, ch. 18, § 55d; Ord. No. 1839, § 6, 7-21-58)

Sec. 11-64. Professional strikebreakers; employment, recruitment or furnishing as replacements for employees involved in labor disputes unlawful.

Sec. 11-64(1). Purposes.

- (a) The purposes of this section are as follows:
 - (1) To prohibit the recruitment of professional strikebreakers by persons or agencies not involved in the labor dispute.
 - (2) To prohibit the employment of professional strikebreakers.
 - (3) To encourage and promote stable economic development.
 - (4) To encourage the orderly and peaceful settlement of labor disputes.
- (b) It is not the purpose of this section to prohibit an employer from hiring replacements for employees involved in a labor dispute when such replacements are not professional strikebreakers.

Sec. 11-64(2). Definitions.

Labor dispute includes any controversy concerning terms, tenure or conditions of employment or concerning the association or representation of persons in negotiation, fixing, maintaining, changing or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.

Professional strikebreaker means a person who customarily and repeatedly offers himself for employment in the place of an employee involved in a labor dispute. It shall be presumed that a person customarily and repeatedly offers himself for employment in the place of a person involved in a labor dispute when such person shall have three (3) or more times offered to take or has taken employment in the place of persons involved in a labor dispute.

Sec. 11-64(3). Supplying Strikebreakers Prohibited. No person shall recruit, procure, supply or refer any professional strikebreakers for employment in

place of any employee involved in a labor dispute. But this subsection shall not be applicable to the Arizona State Employment Service or to referring employment agencies that are duly licensed by the State.

Sec. 11-64(4). Employing Strikebreakers Prohibited. No person involved in a labor dispute shall, directly or indirectly:

- (a) Employ in the place of an employee involved in such dispute any professional strikebreakers; nor
- (b) Contract or arrange with any other person to recruit, procure, supply or refer professional strikebreakers for employment in such dispute.

Sec. 11-64(5). Notification of Labor Dispute to the Employment Applicants. It is unlawful for any person to employ, recruit, solicit or advertise for employees, or refer persons to employment, in place of employees involved in a labor dispute, without adequate notice to such person, or in such advertisement, that there is a labor dispute at the place at which employment is offered and that the employment offered is in place of employees involved in such labor dispute.

Sec. 11-64(6). Separate Offense. The recruiting, procuring, supplying, referring or employing of each professional strikebreaker shall constitute a separate offense; and each day of employment of a professional strikebreaker shall constitute a separate offense.

Sec. 11-64(7). This section will in no way be construed to apply or interfere with any disputes or strikes that may be in progress at the time of the adoption of this section.
(Ord. No. 2951, § 1, 12-19-66)

Sec. 11-65. Unattended child in motor vehicle; classification.

(a) It is unlawful to leave a child who is under ten (10) years of age in a motor vehicle without supervision by another person in the motor vehicle who is at least fourteen (14) years of age if either of the following applies:

- (1) The conditions tend to present a risk to the child's health, safety or welfare; or

(2) The motor vehicle engine is running or the key to the motor vehicle is located in the passenger compartment.

(b) A person who violates this section is guilty of a class 1 misdemeanor.

(c) A person convicted of a violation of this section shall be fined not less than one thousand dollars (\$1,000.00), and the imposition of this minimum fine cannot be suspended except as provided in subsection (d) of this section.

(d) In a case involving a defendant's first violation of this section, the court may dismiss the charge if the defendant completes a parenting education program to which the defendant is referred by the court that includes a minimum of twenty-four (24) hours of parenting classes and/or counseling and that also includes education on the dangers of leaving young children unattended in motor vehicles. The program shall be capable of providing a certification of successful completion of its requirements. Upon completion of that program, the defendant shall provide that certification to the court.

(e) Any peace officer is authorized to use whatever force is reasonable and necessary to remove any child from a vehicle whenever it appears that the child's life or health is endangered by extreme temperatures, lack of ventilation or any other condition existing within the vehicle as described in subsection (a).

(Ord. No. 10580, § 1, 9-23-08, eff. 11-15-08)

Sec. 11-66. Throwing stars; sale to minors prohibited, possession by minors prohibited.

(a) It is unlawful and a misdemeanor for any person in this city to sell, give or lend to a minor, or to allow a minor to possess, any instrument, without handles, consisting of a metal plate having three (3) or more radiating point with one (1) or more sharp edges and designed in the shape of a polygon, trefoil, cross, star, diamond, or other geometric shape that can be used as a weapon for throwing.

(b) It is unlawful and a misdemeanor for any minor in this city to manufacture or cause to be manufactured, import into the city, keep for sale or

offer or expose for sale or give, lend or possess any instrument, without handles, consisting of a metal plate having three (3) or more radiating points with one (1) or more sharp edges and designed in the shape of a polygon, trefoil, cross, star, diamond or other geometric shape that can be used as a weapon for throwing.
(Ord. No. 6049, § 1, 6-25-84)

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The director will remove the recycling container, deliver a substitute refuse container, and impose the fee for an additional refuse container. Recycling service will be restored and the additional refuse container removed with director approval.

(D) It is a civil infraction for a customer at a residential establishment to fail to pay fees for city residential services and thereby causing a violation of any of the requirements of section 15-10.1. The fine for this infraction shall be between a minimum of seventy five dollars (\$75.00) and a maximum of three hundred dollars (\$300.00). In lieu of a fine, the court may substitute community service at a rate of ten dollars (\$10) per hour.

(Ord. No. 10539, § 4, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 3, 6-2-09, eff. 7-1-09; Ord. No. 10895, § 3, 5-17-11, eff. 7-1-11; Ord. No. 11087, § 1, 6-18-13, eff. 7-20-13)

Secs. 15-17 – 15-30. Reserved.

**ARTICLE V. CITY FEES AND CHARGES FOR
RESIDENTIAL COLLECTION,
COMMERCIAL COLLECTION, AND
DISPOSAL SERVICES**

DIVISION 1. GENERAL PROVISIONS

Sec. 15-31. Declaration of purpose; intent of mayor and council.

The director may require receipt of a deposit prior to beginning service. The director may require a customer with a history of delinquency to pay a deposit up to the amount of the past unpaid account balance as a condition of providing service. When the account is terminated the adjusted value of the deposit shall be computed by adding interest actually accrued on the deposit, with the interest rate set at the average market rate earned by the City of Tucson's investment pool during the past twelve (12) months. The adjusted value of the deposit will be applied against any unpaid balance, and the remainder will be refunded to the customer.

(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10986, § 3, 5-22-12, eff. 7-1-12)

Sec. 15-31.1. Deposits and refunds.

The director may require receipt of a deposit prior to beginning service. When the account is terminated the adjusted value of the deposit shall be computed by adding interest actually accrued on the deposit, with the interest rate set at the average market rate earned by the City of Tucson's investment pool during the past twelve (12) months. The adjusted value of the deposit will be applied against any unpaid balance, and the remainder will be refunded to the customer.

(Ord. No. 10674, § 4, 6-2-09, eff. 7-1-09; Ord. No. 10895, § 4, 5-17-11, eff. 7-1-11)

Sec. 15-31.2. Returned checks.

The city may impose a reasonable charge to handle the processing of checks received as payment for fees from this chapter, when such checks are returned for nonpayment for any reason.

(Ord. No. 10674, § 4, 6-2-09, eff. 7-1-09)

Sec. 15-31.3. Billing account activation.

An account activation fee shall be charged when a billing account is initiated for each residential, commercial, or disposal customer at each service location.

(Ord. No. 10895, § 4, 5-17-11, eff. 7-1-11)

Sec. 15-31.4. Payment terms.

Payment terms for billed fees under this chapter shall match the payment terms in chapter 27. For purposes of this section, "payment terms" means when bills are due, the account balance triggering delinquency notices, the timing of delinquency notices, the termination of accounts for delinquency, and directly related terms.

(Ord. No. 10986, § 3, 5-22-12, eff. 7-1-12)

Sec. 15-31.5. Discontinuance of service for non-payment.

If the delinquent balance of a customer's account is not paid within the time frame designated in chapter 27 for turn-off of water services, regardless of whether water charges are included in the account, the director may discontinue services by not collecting material, removing containers, and/or denying use of disposal facilities. Customers with accounts in non-payment

status must relinquish city containers upon notice from the director.

(Ord. No. 10986, § 3, 5-22-12, eff. 7-1-12)

Sec. 15-31.6. Penalty Fees for non-payment.

A penalty fee shall be charged to accounts with monthly charges over the amount triggering a first written notice in chapter 27, section 27-50 when the monthly charges are not paid within thirty (30) days of bill date. The amount of the penalty fee shall be ten percent (10%) of the monthly charges but the penalty fee shall not exceed five hundred dollars (\$500.00) and shall not be less than ten dollars (\$10.00).

(Ord. No. 10986, § 3, 5-22-12, eff. 7-1-12)

Sec. 15-31.7. Service agreements.

The director is authorized to prepare, enter into, implement, and administer agreements for the services provided under this chapter. The service agreement shall include the appropriate fees established pursuant to this chapter. The service agreement may contain terms and conditions upon which service shall be provided, payment terms, and penalty fees for non-payment. The service agreement may contain such additional provisions as are within the custom and practice of the industry, or are deemed necessary by the director.

(Ord. No. 10986, § 3, 5-22-12, eff. 7-1-12)

Sec. 15-31.8. Change of address.

Customers shall notify the department of any change in mailing address, and/or change in ownership/responsible party within fifteen (15) days of the date of change.

(Ord. No. 10986, § 3, 5-22-12, eff. 7-1-12)

Sec. 15-31.9. Pilot programs and fees.

The director is authorized to establish pilot programs and fees to recover the costs, for a period of up to one (1) year for purposes of evaluating the feasibility of alternative solid waste collection or disposal programs.

(Ord. No. 10986, § 3, 5-22-12, eff. 7-1-12)

DIVISION 2. RESIDENTIAL COLLECTION

Sec. 15-32. Basis for residential fees.

(A) Fees for APC collection, brush bulky collection, and special collection services to residential establishments are based on the number of dwelling units using the containers, and the volume and frequency of service. A single family residence shall be counted as one dwelling unit. Fees for front load or roll off services to residential establishments are based on the type, volume, and frequency of service, and shall be the same as commercial fees for these services.

(B) Individual fee for shared front load service. The fee for shared front load service may be charged to customers at individual dwelling units when 1) a complex has no common owner or manager to be billed for front load service, and 2) front load collection service is the only feasible method of refuse and recycling service for the complex.

(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 5, 6-2-09, eff. 7-1-09)

Sec. 15-32.1. Responsibility for residential fee.

(A) The fees specified in this chapter for services provided to residential establishments are imposed on the customer of record of each residential establishment, as indicated in the department's records. The customer of record is responsible for paying all charges for the provision of services to a residential establishment, regardless of whether the customer of record or another person has actually used the services. Where the establishment receives city water service, the customer of record for services from this chapter shall be the same person as the customer of record for city water services, unless the director accepts an alternate person designated by the owner.

(B) The director may elect to pursue collection of any outstanding charges from the owner of the property if the customer of record does not pay for any outstanding charges. In such a case, ownership of the property or premises shall be determined by reference to public records maintained by the Pima County Recorder's Office.

(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 5, 6-2-09, eff. 7-1-09; Ord. No. 10796, § 4, 5-25-10, eff. 7-1-10)

Sec. 15-32.2. Requirements for payment of residential fees.

(A) *Initiation.* Initiation of billing for services to a residential establishment shall coincide with initiation of billing for city water service when both are provided. The charges for residential services for an account that does not have city water charges shall begin when the customer occupies the establishment or begins using the services, whichever is earlier. The charges for residential services to a newly-constructed establishment shall begin when the containers are delivered. The director, as a condition precedent to providing collection services to any customer, shall collect any amounts the customer owes the city for charges required by this chapter or chapter 27. The account activation fee shall be charged when billing is initiated.

TUCSON CODE

(B) *Deposit for accounts without city water service.* A customer who does not have a city water account shall pay the residential account deposit when the account for residential services is established, unless waived by the director. When the account is terminated, the deposit may be refunded in accordance with section 15-31.1.

(C) *Termination.* Termination of billing for the fees herein shall coincide with termination of billing for city water service when both are provided. The charges for residential services for an account that does not have a city water account shall end when the services are stopped due to the customer notifying the department or due to delinquency.

(D) *Container delivery fees.* The APC delivery fee shall be charged when the number of containers at an establishment is increased, and when a customer requests a change in container size (first two (2) per customer at establishment are exempted). The APC removal/delivery fee shall be charged when the department delivers containers at the initiation of an account that does not have city water charges, and when the department picks up containers from a customer who has requested a temporary suspension of residential services.

(E) *Penalty fees.* No penalty fees pursuant to section 15-31.6 shall be charged on residential fees. (Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 5, 6-2-09, eff. 7-1-09; Ord. No. 10796, § 4, 5-25-10, eff. 7-1-10; Ord. No. 10895, § 5, 5-17-11, eff. 7-1-11; Ord. No. 10986, § 4, 5-22-12, eff. 7-1-12)

Sec. 15-32.3. Fees for level of service.

The fees to be charged for standard residential collection services are listed in the table in section 15-32.5. The director is authorized to charge additional fees as listed in the table in section 15-32.5, or elsewhere in this chapter, to residential establishments that receive additional or different service. (Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10796, § 4, 5-25-10, eff. 7-1-10)

Sec. 15-32.4. Environmental services low income assistance program.

(A) Residential customers with an income at or below one hundred percent (100%) of the U.S. Department of Labor western region lower living standard, adjusted for family size, shall be eligible for the environmental services low income assistance credit from the environmental services fund if they meet the requirements herein.

(B) Customers must reside in a residential establishment that receives APC collection service, or shared metal service, and must directly pay the environmental services fee on their city utility bill. Each customer may receive the credit for services to only one dwelling unit.

(C) Customers must apply for the discount in writing on the application forms approved by the director. Applications must include written proof of income in the form determined by the director. Applications must be complete and must have the customer's original signature. The director may contact the customer to verify or obtain additional information needed to process the application.

(D) Eligibility will be determined on an annual basis with the credit expiring at the end of each twelve (12) month period. At least thirty (30) days prior to the expiration of a customer's credit, the director will notify the customer in writing of the need to submit a new application to continue the credit.

(E) Once eligibility is verified, the credit shall be applied against each monthly bill with the environmental services fee. A prorated credit shall be applied whenever the customer is eligible for only part of a month or receives service for only part of a month.

(F) Customers may appeal determinations of eligibility or timing of credit by following the administrative dispute process in this chapter. (Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 5, 6-2-09, eff. 7-1-09; Ord. No. 10796, § 4, 5-25-10, eff. 7-1-10; Ord. No. 10895, § 5, 5-17-11, eff. 7-1-11)

Sec. 15-32.5. Residential fee schedules.

The fees for collection services to residential establishments shall be as follows:

RESIDENTIAL COLLECTION SERVICE FEES		
Service	Refuse Container size (gallons)	Fees
Standard	48	\$15.00 per month
Standard	65	\$16.00 per month
Standard	95	\$16.75 per month
Standard	Any shared alley APC	\$16.00 per month per dwelling unit
Standard	300 sole use	\$48.00 per month per container
Individual fee for shared front load weekly refuse and recycling service	Any	\$16.00 per month per dwelling unit
Additional refuse	Less than 100	\$11.00 per month per additional container
Additional bag of refuse	Each 30 gallon bag (or equivalent) of refuse placed outside of container	\$5.00 each
Additional service per week	Any	\$25.00 per pickup per container
Additional brush bulky service volume	Above 10 cubic yards	\$5.00 per cubic yard
Additional brush bulky service time	Above 15 minutes	\$25.00 per each 15 minute interval
Special brush bulky service	Up to 10 cubic yards	\$55.00 per event plus any applicable additional service fees
Private driveway	Any	\$10.00 per month in addition to other applicable fees
Low income assistance credit	Any	\$12.00 per month
APC delivery fee	Any	\$20.00
APC removal/delivery fee	Any	\$40.00
APC special order container	Any	\$48.00 per initial delivery
Residential account activation fee	Any	\$5.00
Residential account deposit	Any	\$50.00
Account reconciliation fee	Any	\$50.00
Household Hazardous Waste Home Pickup	Per visit	\$25.00

The following requirements apply to residential APC services:

- (1) The additional refuse container fee is imposed for each refuse container of one hundred (100) gallons or less in addition to the first container of one hundred (100) gallons or less per dwelling unit, or in addition to shared three hundred (300) gallon service.

- (2) A “sole use” three hundred-gallon container is dedicated for the exclusive use of one residential establishment. A sole use three hundred-gallon container is only permitted on private property where it is not available to residents of other establishments.

(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 5, 6-2-09, eff. 7-1-09; Ord. No. 10796, § 4, 5-25-10, eff. 7-1-10; Ord. No. 10895, § 5, 5-17-11, eff. 7-1-11; Ord. No. 10986, § 4, 5-22-12, eff. 7-1-12; Ord. No. 11087, § 2, 6-18-13, eff. 7-20-13)

Sec. 15-32.6. APC collection fuel surcharge.

A fuel surcharge shall be added to the monthly fees for collection services to residential or commercial establishments with APC services. The surcharge shall be three cents (\$0.03) per month for each ten cents (\$0.10) of city fuel price above three dollars and thirty cents (\$3.30) per gallon. The surcharge shall be revised every three (3) months based on the updated city fuel price.

(Ord. No. 10796, § 4, 5-25-10, eff. 7-1-10; Ord. No. 10895, § 5, 5-17-11, eff. 7-1-11)

DIVISION 3. COMMERCIAL COLLECTION

Sec. 15-33. Basis for commercial fees.

Fees for any commercial collection service are based on the type, volume, and frequency of service. (Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08)

Sec. 15-33.1. Commercial fee requirements.

(A) Commercial fees are subject to the requirements of this section and of administrative rules and regulations under this chapter.

(B) *Service agreements.* Commercial establishments may only obtain city collection services by entering into a service agreement with the city. The service agreement shall be signed by the person responsible for paying fees at the establishment. The requirements of section 15-31 shall apply unless the director authorizes otherwise within the service agreement.

(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10986, § 5, 5-22-12, eff. 7-1-12)

Sec. 15-33.2. Commercial fee schedules.

(A) *Front load collection service fees.* The monthly fees for front load collection service (without compaction) are as follows:

FRONT LOAD COLLECTION SERVICE MONTHLY FEES							
Container size	Collections per week						
	1 per two weeks	1	2	3	4	5	6
Refuse							
2 to 3 cu. yds.	\$60.00	\$87.00	\$145.00	\$203.00	\$261.00	\$319.00	\$377.00
4 cu. yds.	\$62.00	\$92.00	\$154.00	\$217.00	\$279.00	\$341.00	\$406.00
6 cu. yds.	\$65.00	\$101.00	\$173.00	\$245.00	\$317.00	\$390.00	\$461.00
8 cu. yds.	\$68.00	\$110.00	\$192.00	\$273.00	\$355.00	\$436.00	\$518.00
Recycling							
With ES refuse service - any size	\$50.00	\$50.00	\$75.00	\$100.00	\$125.00	\$150.00	
Without ES refuse service - any size	\$80.00	\$80.00	\$133.00	\$186.00	\$239.00	\$292.00	

Container delivery: \$50.00 for any number per request
Additional recycling container (with ES refuse service) onsite any size: \$15.00
Additional refuse service per week: \$30.00 per pickup per 2 to 4 cubic yard container, \$35.00 per 6 cubic yard, \$40.00 per 8 cubic yard
Additional recycle service per week: \$30.00 per pickup all sizes
Container cleaning at customer request: \$100.00 per event per container
Container painting at customer request: \$150.00 per event per container

(B) *Compacted front load collection service fees.* The monthly fees for front load collection service with compaction in containers shall be as follows:

COMPACTED FRONT LOAD COLLECTION SERVICE MONTHLY FEES						
Container size	Collections per week					
	1	2	3	4	5	6
Refuse						
2 to 3 cu. yds.	\$129.00	\$230.00	\$330.00	\$430.00	\$530.00	\$632.00
4 cu. yds.	\$148.00	\$267.00	\$386.00	\$506.00	\$624.00	\$744.00
6 cu. yds.	\$186.00	\$342.00	\$499.00	\$655.00	\$812.00	\$969.00
8 cu. yds.	\$223.00	\$417.00	\$611.00	\$805.00	\$1,000.00	\$1,194.00
Additional fee for leasing city compactor: \$300.00 per month per compactor						
Container delivery: \$50.00 for any number per request						
Additional service per week: \$45.00 per pickup per container						
Container cleaning at customer request: \$100.00 per event per container						
Container painting at customer request: \$150.00 per event per container						

(C) *Roll off collection service.* The fees for roll off collection service are as follows:

ROLL OFF COLLECTION SERVICE FEES	
Refuse open top service	\$130.00 per pull plus landfill disposal fees for services contracted on or after 7/1/2012
20, 30, 40 cu. yds.	\$165.00 per pull plus landfill disposal fees for services contracted before 7/1/2012
Recycle open top service	\$100.00 per pull for services contracted on or after 7/1/2012
20, 30, 40 cu. yds.	\$130.00 per pull for services contracted before 7/1/2012 Loads which are not of standard recyclable materials will be charged the disposal fee from the receiving facility
Roll off compactor service	\$130.00 per pull plus disposal fees for services contracted on or after 7/1/2012

ROLL OFF COLLECTION SERVICE FEES	
20, 30, 40 cu. yds.	\$165.00 per pull plus disposal fees for services contracted before 7/1/2012 Installation, removal and monthly lease fees also apply for city compactors.
Disposal fees	Weight of contents times the applicable disposal fee from the receiving facility
Initial delivery	\$65.00 per container for services contracted on or after 7/1/2012 \$80.00 per container for services contracted before 7/1/2012
Relocation	\$65.00 per container for services contracted on or after 7/1/2012 \$80.00 per container for services contracted before 7/1/2012
Failed service attempt	\$65.00 per event per container for services contracted on or after 7/1/2012 \$80.00 per event per container for services contracted before 7/1/2012
Container cleaning at customer request	\$150.00 per event per container
Container painting at customer request	\$200.00 per event per container
Lease of city compactor and receiver box	\$310.00 per month per compactor plus box
Lease of city compactor receiver box only	\$100.00 per month per box
Base compactor installation	\$950.00 per compactor
Base compactor removal	\$500.00 per compactor

The following requirements apply to roll off services:

- (1) Scheduled/permanent roll off container service agreements are required when a customer has a roll off at the same location for ninety (90) days or more. At a minimum one roll off pull fee will be charged every thirty (30) days for permanent service.
- (2) Unscheduled/temporary roll off container service agreements are required when a customer has a roll off at the same location for less than ninety (90) days. Customers must contact the department when the container needs to be emptied. At a minimum one roll off pull fee will be charged every fifteen (15) days for unscheduled/temporary service.
- (3) For purposes of this section, the terms are defined as follows:
 - (a) *"Pull"* means emptying a roll off container and returning it to the site if needed.
 - (b) *"Initial delivery"* means the first time each container is delivered to a site.
 - (c) *"Relocation"* means moving a container on the same site without emptying it.
 - (d) *"Failed service attempt"* means a truck arrived at a container site but a problem caused by the customer prevented service (also called a "dry run").

- (e) *“Base installation”* means the installation of guides, power unit, and power hook-up only. Customer request requiring additional materials and modifications will be charged at direct cost for labor and materials. Removal applies to disconnecting and removing city equipment whenever needed.

(D) *Commercial APC collection service fees.* The fees for APC collection service to commercial establishments are as follows:

COMMERCIAL APC COLLECTION SERVICE FEES		
Service	Container size (gallons)	Fees
Standard	48	\$18.50 per month per container
Standard	65	\$19.50 per month per container
Standard	95	\$20.50 per month per container
Standard	300	\$61.50 per month per container
Additional service per week	Any	\$25.00 per pickup per container
Additional recycle beyond second container	100 or less	\$10.00 per month per container
Container delivery	Any	\$20.00 for any number per request

The following requirements apply to commercial APC services:

- (1) “Standard” means standard commercial APC service consisting of refuse collection once per week (in the selected size) and recycling collection in ninety-five (95) gallon container once per week.
- (2) Each commercial establishment may receive up to two (2) ninety-five (95) gallon recycling containers (or the equivalent recycling volume in three hundred (300) gallon recycling containers) for each APC or front load refuse container.

(E) *Fees for commercial special services.* The fees for special services to commercial establishments are as follows:

COMMERCIAL SPECIAL SERVICE FEES		
Service	Container size	Fees
Temporary APC refuse	48, 65 or 95 gallons	\$50.00 per service per container
Temporary APC refuse	300 gallons	\$75.00 per service per container
Temporary front load refuse	2 – 8 cubic yards	\$100.00 per container for delivery/removal plus \$30.00 per pickup per 2 to 4 cubic yard container, \$35.00 per 6 cubic yard, \$40.00 per 8 cubic yard
Temporary APC recycle	95 gallons	\$20.00 per delivery truck load for delivery/removal plus \$10.00 per pickup
Temporary use of small recycling containers for customers with city refuse	Less than 95 gallons	\$20.00 per delivery truck load for delivery/removal
Temporary front load recycle	2 – 8 cubic yards	\$100.00 per container for delivery/removal and one pickup, plus \$30.00 per additional pickup.
Delinquent retrieval fee	2 – 8 cubic yards	\$50.00 per container
Bulky material service		Same fees as charged for special brush bulky service to residential establishments.

(F) *Volume fee discounts for front load refuse services.* Customers with service agreements for front load refuse service shall be eligible for the following discounts off the standard fees for scheduled monthly front load refuse service:

- (1) Customers with one (1) service location are eligible for the standard fee on the first container, a five percent (5%) discount off the standard fee for the second container, and a ten percent (10%) discount off the standard fee for the third and all additional containers.
- (2) Customers with two (2) to four (4) service locations are eligible for a five percent (5%) discount off the standard fee for the first container at each location except for the primary location, a five percent (5%) discount off the standard fee for the second container at each location, and a ten percent (10%) discount off the standard fee for the third and all additional containers at each location. The first container at the primary location is charged the standard fee.
- (3) Customers with five (5) or more service locations are eligible for a ten percent (10%) discount off the standard fee for each container at each location, except for the first container at the primary location. The first container at the primary location is charged the standard fee.

(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 6, 6-2-09, eff. 7-1-09; Ord. No. 10796, § 5, 5-25-10, eff. 7-1-10; Ord. No. 10895, § 6, 5-17-11, eff. 7-1-11; Ord. No. 10986, § 5, 5-22-12, eff. 7-1-12; Ord. No. 11087, § 3, 6-18-13, eff. 7-20-13)

Sec. 15-33.3. Commercial fuel surcharge.

A fuel surcharge shall be added to the fees for front load, compacted front load, and roll off collection services. The surcharge rate shall be 0.20 percent (0.002) for each ten cents (\$0.10) of city fuel price above three dollars and thirty cents (\$3.30) per gallon. The fuel surcharge shall be the applicable surcharge rate multiplied by the applicable fee, then rounded to the nearest cent (\$0.01). The surcharge shall be revised every three (3) months based upon the updated city fuel price.

(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 6, 6-2-09, eff. 7-1-09; Ord. No. 10796, § 6, 5-25-10, eff. 7-1-10; Ord. No. 10895, § 6, 5-17-11, eff. 7-1-11)

DIVISION 4. DISPOSAL SERVICES

Sec. 15-34. Basis for disposal services fees.

Fees for disposal services are based on the type of waste, the amount of waste, the type of customer, and the type of service.

(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08)

Sec. 15-34.1. Disposal services fee requirements.

Disposal services fees are subject to the requirements of this section and of administrative rules and regulations under this chapter. The disposal fees collected shall be used for the construction, operation, remediation, closure, and post closure maintenance of city disposal facilities.

(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08)

Sec. 15-34.2. Residential self-haulers.

(A) The fee for each load carried in a residential self-haulers vehicle, trailer, or vehicle and trailer combined, and weighing two thousand (2,000) pounds or less shall be the residential self-haul waste disposal fee. For each load weighing more than two thousand (2,000) pounds, the fee shall be an amount equal to the applicable commercial waste disposal fee applied to the weight of the load, prorated and rounded to the nearest dollar. Residential self-haulers shall also be subject to the special handling fee set forth in this chapter, and shall be subject to the unrestrained or uncovered load fee set forth in this chapter in addition to any other fees charged. A deposit may be required upon entry for residential self-haul vehicle loads that, in the judgment of ES staff, may exceed one ton (two thousand (2,000) pounds) in accordance with guidelines established by the director. All fees from residential self-haulers shall be due in cash, or in other form of payment as established by the director, at the time the load is accepted. Loads over one ton may be paid by check at the time the load is accepted.

(B) Recyclable materials and household hazardous waste, as determined by the director, are exempt from disposal fees.
(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 7, 6-2-09, eff. 7-1-09)

Sec. 15-34.3. Commercial haulers.

(A) *Calculation of disposal fee.* The per vehicle fee for disposal shall be the greater of the minimum fee or an amount equal to the applicable disposal fee in section 15-34.7 applied to the weight of the load, or the number of items in the load, as appropriate, prorated and rounded to the nearest dollar. Where the term “minimum fee” is used in this section, it shall mean fifteen dollars (\$15.00) or another minimum designated for the applicable fee in section 15-34.7.

(B) *Special-handling waste disposal.* Special handling fees shall be assessed for the use of personnel, equipment or materials in a manner other than what would ordinarily be required in normal daily landfill operations. For waste that requires review or inspection to determine acceptability for disposal, the review fee shall be fifty dollars (\$50.00) per load.

(C) *Payment.* Each commercial hauler shall pay any charge for disposal services at the time and as a condition of receiving the disposal services for which the charge is imposed. Only payments in the form of cash, check or other immediate payment form approved by the director will be accepted subject to reasonable identification requirements, unless the hauler has a disposal service agreement and account in good standing.
(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 7, 6-2-09, eff. 7-1-09; Ord. No. 10796, § 7, 5-25-10, eff. 7-1-10; Ord. No. 10986, § 6, 5-22-12, eff. 7-1-12)

Sec. 15-34.4. Unrestrained or uncovered load fee.

In addition to all other charges set forth above, a five dollar (\$5.00) per load fee shall be imposed for any solid waste that, as determined by the director, is not contained within an enclosed vehicle or is not covered and secured.
(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08)

Sec. 15-34.5. Waiver of fee for landfill construction materials.

The director may accept for no fee materials suitable for construction or operational purposes where and when the department’s cost to acquire needed materials exceeds the waived fee.
(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 7, 6-2-09, eff. 7-1-09; Ord. No. 10895, § 7, 5-17-11, eff. 7-1-11)

Sec. 15-34.6. Disposal service agreement.

Customers who wish to pay for disposal service pursuant to a credit system shall enter into a service agreement with the city. The service agreement shall be signed by the person responsible for using the disposal services. The requirements of section 15-31 shall apply unless the director authorizes otherwise within the service agreement.
(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10796, § 8, 5-25-10, eff. 7-1-10; Ord. No. 10986, § 6, 5-22-12, eff. 7-1-12)

Sec. 15-34.7. Disposal services fee schedule.

DISPOSAL SERVICES FEES	
Service	Fees
Residential self-hauler waste disposal	\$15.00 per load for loads 2,000 pounds or less. Commercial waste disposal fees for loads over 2,000 pounds.
Residential self-hauler tire disposal	\$2.00 per tire (passenger tires only) in addition to other applicable fees
Commercial waste disposal	\$32.00 per ton with \$15.00 minimum per load
Special-handling waste disposal	\$75.00 per ton with \$75.00 minimum
Tire disposal	\$150.00 per ton with \$15.00 minimum, no mixed loads, and no off-road tires
Disposal of appliance designed to use refrigerant	\$5.00 per appliance in addition to other applicable fees
Uncovered load	\$5.00 per load in addition to other applicable fees

DISPOSAL SERVICES FEES	
Service	Fees
Credit account annual fee	\$30.00
Disposal account activation fee	\$15.00
Identification tag fee	\$35.00
Household hazardous waste disposal for non-city residents	\$5.00 per load
Purchase of recycled paint	\$15.00 per 5 gallons for white \$10.00 per 5 gallons for non-white (Price may be decreased by the ES Director)
Disposal of materials under small business waste acceptance program	Published schedule of fees based on most recent disposal costs
Special household hazardous waste collection event fees	Published schedule of fees

(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 7, 6-2-09, eff. 7-1-09; Ord. No. 10796, § 8, 5-25-10, eff. 7-1-10; Ord. No. 10895, § 7, 5-17-11, eff. 7-1-11; Ord. No. 10986, § 6, 5-22-12, eff. 7-1-12; Ord. No. 11087, § 4, 6-18-13, eff. 7-20-13)

Sec. 15-34.8. Disposal services contract fee schedule.

The director shall be authorized to enter into multi-year contracts for guaranteed waste disposal by customers. These contracts shall be for a specific quantity of waste at a fee specified in the contract disposal services fee schedule. The disposal fee for each vehicle load shall be calculated in accordance with section 15-34.3. The customer is required to pay each year the full amount due to the city at the specified fee and guaranteed annual tonnage, whether or not the waste is delivered. The contract may be renewed annually if the specified fee is not changed. The requirements of section 15-31 shall apply unless the director authorizes otherwise within the contract. Where a disposal services contract is in place, the commercial waste disposal fee shall not apply.

CONTRACT DISPOSAL FEE SCHEDULE

<i>Guaranteed Annual Tonnage</i>	<i>Fee Per Ton</i>
140,000.....	\$17.00
60,000.....	21.00
18,000.....	24.00
15,000.....	25.00
12,500.....	26.00
10,000.....	26.75
9,000.....	27.00
8,000.....	27.50
7,000.....	28.00
6,000.....	28.25
5,000.....	28.75
4,000.....	29.00
3,000.....	29.50
2,000.....	30.00
1,000.....	31.00

For multi-year contracts, the fee per ton shall be adjusted each year on the anniversary date of the execution of the contract using an appropriate federal consumer price index.
(Ord. No. 10654, § 1, 4-21-09, eff. 5-1-09; Ord. No. 10674, § 7, 6-2-09, eff. 7-1-09; Ord. No. 10796, § 8, 5-25-10, eff. 7-1-10; Ord. No. 10986, § 7, 5-22-12, eff. 5-22-12; Ord. No. 11087, § 4, 6-18-13, eff. 7-20-13)

Sec. 15-34.9. Disposal services fuel surcharge.

A fuel surcharge shall be added to the per-ton fees for disposal services. The surcharge shall be five cents (\$0.05) per ton for each ten cents (\$0.10) of city fuel price above three dollars and thirty cents (\$3.30) per gallon. The surcharge shall be revised every three (3) months based on the updated city fuel price.
(Ord. No. 10796, § 8, 5-25-10, eff. 7-1-10; Ord. No. 10895, § 7, 5-17-11, eff. 7-1-11)

Sec. 15-35. Exemption of fees for waste residue from nonprofit recycling establishments.

(A) Any nonprofit recycling establishment may apply to the director for an exemption from payment of fees for city collection or disposal services for residual solid waste resulting directly from the establishment’s recycling activities. The exemption for each establishment, regardless of the number of locations, shall be limited to ten thousand dollars (\$10,000.00) per calendar year.

(B) To qualify as a nonprofit recycling establishment, an organization shall:

- (1) Hold tax-exempt status under 206 U.S.C. Sec. 501(c)3;
- (2) Engage in active and continual operation of a program of acceptance or collection of goods and materials, that would otherwise be discarded as solid waste, for recycling, whether through resale or other redistribution by the organization, which program results in accumulations of non-reusable goods or materials that must be disposed of at city disposal facilities;
- (3) Does not have and will not enter into a recycling franchise agreement or similar arrangement with any non-profit or for-profit organization, the beneficiaries of which are other than the organization applying for exemption;
- (4) Does not dispose of residual solid waste resulting from goods or materials imported from outside Pima County;
- (5) Does not support religious activities with the recycling activities; and
- (6) Clearly separate residual solid waste from solid waste generated by a process other than the establishment's recycling activities.

(C) To obtain the exemption, an organization shall submit an application, established by the director, to demonstrate and certify compliance with these requirements. Upon determination by the director that an organization meets the requirements, the director shall issue a certificate of exemption from fees for collection and disposal services. The director may require annual renewal applications and additional evidence of compliance with requirements.

(D) The director may at any time give notice in writing to an organization of intent to revoke its exemption for cause, which shall consist of failure to adhere to or fulfill the requirements of this section. The organization can appeal the revocation in writing to the director within ten (10) days, and be granted an

administrative hearing. The director shall render a decision in writing. The decision of the director is final. (Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 7, 6-2-09, eff. 7-1-09)

DIVISION 5. GROUNDWATER PROTECTION FEE

Sec. 15-36. Groundwater protection.

(A) The director shall charge a groundwater protection fee to customers of city potable water, excluding those customers not connected to the central system.

(B) The fee shall be shown as a separate charge on the utility bill. The fee shall be charged for each connected meter, and shall be based upon the meter equivalency factors as determined by the superintendent of water or his or her successor.

(C) The fee shall be collected to administer, design, construct, operate and maintain groundwater remediation and landfill monitoring/compliance systems for the department.

(D) No penalty fees pursuant to section 15-31.6 shall be charged on groundwater protection fees.

The groundwater protection fee shall be assigned as follows.

GROUNDWATER PROTECTION FEE	
Meter Size (inches)	Fee per Month per Meter
5/8	\$1.06
3/4	\$1.59
1	\$2.65
1-1/2 and larger	\$5.30

(Ord. No. 10796, § 9, 5-25-10, eff. 7-1-10; Ord. No. 10895, § 8, 5-17-11, eff. 7-1-11; Ord. No. 10986, § 8, 5-22-12, eff. 7-1-12)

Secs. 15-37 – 15-49. Reserved.

Chapter 17

HUMAN RELATIONS*

Art. I.	Short Title, § 17-0
Art. II.	Declaration of Policy, §§ 17-1 – 17-10
Art. III.	Civil Rights, §§ 17-11 – 17-19
Art. IV.	Reserved, §§ 17-20 – 17-29
Art. V.	Reserved, §§ 17-30 – 17-39
Art. VI.	Reserved, §§ 17-40 – 17-49
Art. VII.	Fair Housing, §§ 17-50 – 17-66
Art. VIII.	Reporting Wrongful Conduct, §§ 17-67 – 17-69
Art. IX.	Registered Civil Unions, §§ 17-70 – 17-78

Article I. Short Title

Sec. 17-0. Title.

Article II. Declaration of Policy

Sec. 17-1. Policy declaration.
Secs. 17-2 – 17-10. Reserved.

Article III. Civil Rights

Sec. 17-11. Definitions.
Sec. 17-12. Prohibited acts.
Sec. 17-13. Exclusion.
Sec. 17-14. Violation a civil infraction; procedure; penalties.
Sec. 17-15. Complaint procedures.
Sec. 17-16. Record-keeping; posting requirement; powers.
Secs. 17-17 – 17-19. Reserved.

***Editor's note** – Ord. No. 4169, §§ 1, and 2, adopted Apr. 15, 1974, amended this Code by repealing former ch. 17, §§ 17-1--17-6, 17-11 – 17-16 and 17-20 – 17-23, and enacting in lieu thereof new ch. 17, §§ 17-0 – 17-4, 17-11 – 17-14 and 17-20 – 17-23, pertaining to the same subject matter. Former ch. 17 was derived from 1953 Code, ch. 31, §§ 1 – 6 and the following ordinances:

<i>Ord. No.</i>	<i>Sec.</i>	<i>Date</i>	<i>Ord. No.</i>	<i>Sec.</i>	<i>Date</i>
2107	1	11- 7-60	3099	1	3-25-68
2121	2	12-19-60	3100	1	3-25-68
2303B	1, 2	5-28-62	3300	1	7-21-69
2630	1	6-26-64	3304	1	8- 4-69
2867	1	4-25-66	3305	1	8- 4-69
2872	1	5-16-66	3553	1	11-16-70
2993	1	4-10-67	3728	1 – 6	10-26-71
3086	1, 2	2-13-68	3975	1	1-15-73
3087	1	2-13-68			

Sec. 4 of Ord. No. 4169 provided that said ordinance shall neither add to nor detract from civil remedies now available to persons subjected to discrimination and stated that said ordinance shall not be construed to mean the city sanctions discrimination in any manner or in any place not mentioned specifically or excluded by the ordinance.

Cross reference – Community services, ch. 10B.

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Article IV. Reserved

Secs. 17-20 – 17-29. Reserved.

Article V. Reserved

Secs. 17-30 – 17-39. Reserved.

Article VI. Reserved

Secs. 17-40 – 17-49. Reserved.

Article VII. Fair Housing

- Sec. 17-50. Definitions.
- Sec. 17-51. Application.
- Sec. 17-52. Discrimination in sale or rental of housing.
- Sec. 17-53. Religious organization or private club exemption.
- Sec. 17-54. Enforcement.
- Sec. 17-55. Record-keeping; posting requirement; powers of commission or EOO.
- Sec. 17-56. Violation a civil infraction; penalties; procedure.
- Secs. 17-57 – 17-66. Reserved.

Art. VIII. Reporting Wrongful Conduct

- Sec. 17-67. Reporting wrongful conduct.
- Secs. 17-68, 17-69. Reserved.

Article IX. Registered Civil Unions

- Sec. 17-70. Title.
- Sec. 17-71. Registered civil unions defined.
- Sec. 17-72. Criteria for civil union.
- Sec. 17-73. Statement of civil union; additional evidence of civil union.
- Sec. 17-74. Termination of civil union.
- Sec. 17-75. Fees; civil union certificate.
- Sec. 17-76. Rights of registered civil union partners.
- Sec. 17-77. Limitation of liabilities.
- Sec. 17-78. Public Records.

article. The city attorney is also empowered to seek fines as described in section 17-56 for civil infractions arising under this article.

(Ord. No. 6947, § 1, 5-16-88; Ord. No. 9199, § 4, 2-1-99)

Sec. 17-56. Violation a civil infraction; penalties; procedure.

(a) It is a civil infraction for any person to violate any of the provisions of this article; provided, however, that complaints of violations of this article shall proceed as prescribed in section 17-54 and section 17-55.

(b) The following penalties shall be imposed by city court for civil infractions under this article:

- (1) A person found responsible for a civil infraction for the first time shall be fined not less than three hundred dollars (\$300.00) nor more than twenty-five hundred dollars (\$2,500.00) per civil infraction. a person found responsible for the same civil infraction for a second time shall be fined not less than six hundred dollars (\$600.00) nor more than twenty-five hundred dollars (\$2,500.00). A person found responsible for the same civil infraction for a third or subsequent time shall be fined not less than nine hundred dollars (\$900.00) nor more than twenty-five hundred dollars (\$2,500.00). The imposition of a fine for a civil infraction under this section shall not be suspended.
- (2) Failure of a respondent to comply with any order contained in a judgment for a civil infraction shall result in an additional fine of not less than three hundred dollars (\$300.00) nor more than twenty-five hundred dollars (\$2,500.00) for each day the respondent fails to comply. A respondent's second failure to comply with any order contained in a judgment for a civil infraction shall result in an additional fine of not less than six hundred dollars (\$600.00) nor more than twenty-five hundred dollars (\$2,500.00) for each day after the first determination of the

respondent's failure to comply. A respondent's third and subsequent failure to comply with any order contained in a judgment for a civil infraction shall result in an additional fine of not less than nine hundred dollars (\$900.00) nor more than twenty-five hundred dollars (\$2,500.00) for each day after the second determination of respondent's failure to comply.

(Ord. No. 6947, § 1, 5-16-88; Ord. No. 9199, § 4, 2-1-99)

Secs. 17-57 – 17-66. Reserved.

ARTICLE VIII. REPORTING WRONGFUL CONDUCT

Sec. 17-67. Reporting wrongful conduct.

- (a) *Definitions.*
 - (1) *Employee.* All city employees of any status or classification, except elected officials, persons appointed to an elected official's personal staff, or individuals appointed to a position in city government by a majority of the governing body.
 - (2) *Supervisory employee.* Any supervisor, superintendent, division director, department director or other employee who has influence over personnel actions, including disciplinary action.
 - (3) *Designated city official, public official or public agency.* The mayor, councilmembers, city manager, city department head, city clerk, city attorney, county attorney, state attorney general, or a federal, state or local law enforcement agency.
 - (4) *Wrongful conduct.* Mismanagement, gross waste of monies or an abuse of authority, or violation of any law on the part of any city official(s) or city employee(s) that is reasonably believed to be of public concern.

- (5) *Adverse personnel action.* Unsatisfactory overall performance evaluation; disciplinary action, including a written reprimand, suspension without pay, demotion, involuntary transfer or reassignment, disciplinary probation, or termination; withholding of an appropriate salary adjustment or other significant change in duties or responsibilities which is inconsistent with the employee’s salary or classification.
- (6) *Layoff.* Elimination of an employee’s position by reason of a shortage of funds or work or material changes in duties or organization.
- (7) *Retaliation.* Any adverse personnel action, layoff and/or change in the conditions of employment in response to an employee’s allegation of wrongful conduct to a designated city official, public official or public agency.

(b) Method of reporting wrongful conduct by an employee to a designated city official shall be as provided by city administrative directive. Reports of wrongful conduct made to other public official(s) or public agency(s) as the employee may choose shall be in accord with any requirements of those public officials or public agencies.

(c) Any employee who believes that he or she has been retaliated against may make a written complaint as provided by city administrative directive. The city administrative directive shall prescribe methods of reporting, investigating and determining whether retaliation has occurred. Notwithstanding, retaliation shall not be found to have been committed if the adverse personnel action or layoff was justified for legitimate reasons.

(d) A determination under the city procedure that retaliation has occurred shall immediately result in reversal of the action including restoration of lost compensation or other lost benefits which have occurred by reason of such action.

(e) Any supervisory employee who under the city procedure is found to have knowingly retaliated against an employee shall be subject to disciplinary action, which may include dismissal from city employment.

(f) An employee who knowingly makes false accusation that a city official or city employee has engaged in wrongful conduct shall be subject to disciplinary action which may include dismissal from city employment.

(g) This article neither limits nor extends any other civil or criminal liability or remedy of any current or former employee or city official who either alleged the wrongful conduct or was the person against whom the wrongful conduct was alleged.
(Ord. No. 8126, § 1, 9-20-93)

Secs. 17-68, 17-69. Reserved.

ARTICLE IX. REGISTERED CIVIL UNIONS*

Sec. 17-70. Title.

This article shall be known and may be cited as the “Tucson Civil Union Ordinance”.
(Ord. No. 9898, § 1, 9-15-03; Ord. No. 11088, § 1, 6-18-13, eff. 7-19-13)

Sec. 17-71. Registered civil unions defined.

As used in this article, the term “registered civil union” exists between two (2) persons if one (1) or more of the following is true:

- (1) The persons who meet the criteria for civil union have filed a statement of civil union with the city’s finance department on the form provided by the city and paid the required fee.

***Editor’s note** – It should be noted that the provisions of Ord. No. 9898 became effective on December 1, 2003. The title of Article IX was revised by Ord. No. 11088, adopted June 18, 2013 and effective July 19, 2013; Article IX was formerly entitled “Registered Domestic Partnerships”.

- (2) The persons have a valid certificate of domestic partnership issued by another jurisdiction and meet the criteria for civil union set forth in this article.
- (3) The persons are legally recognized as civil union spouses in another jurisdiction and meet the criteria for civil union set forth in this article.

(Ord. No. 9898, § 1, 9-15-03; Ord. No. 11088, § 1, 6-18-13, eff. 7-19-13)

Sec. 17-72. Criteria for civil union.

For purposes of this article, civil union partners are two (2) persons:

- (1) Not related by blood closer than would bar marriage in the State of Arizona;
- (2) Neither of whom is in a marriage expressly recognized by the State of Arizona or in any domestic partnership and/or civil union with another person;
- (3) Both of whom are eighteen (18) years of age or older;
- (4) Both of whom are competent to enter into a contract;
- (5) Both of whom declare that they are each other's sole civil union partner;
- (6) Both of whom currently share a primary residence, are in a relationship of mutual support, and declare that they intend to remain in such for the indefinite future.

(Ord. No. 9898, § 1, 9-15-03; Ord. No. 11088, § 1, 6-18-13, eff. 7-19-13)

Sec. 17-73. Statement of civil union; additional evidence of civil union.

(a) Civil union partners may make an official record of their civil union by executing a "civil union registration statement" on the form prescribed by the city.

(b) The statement must include a declaration that the persons are in a relationship of mutual support, caring and commitment and are responsible for each other's welfare. For these purposes, "mutual support" means that they contribute mutually to each other's maintenance and support.

(c) The statement must include a declaration that both persons agree to file a termination of the civil union if there is a change in the status of their relationship such that they cease to meet the criteria for a civil union under this ordinance.

(d) The sworn statement shall include the date on which the civil union was registered, and the mailing address(es) of both partners. The civil union statement shall further state that the civil union partners meet the criteria set forth in section 17-72.

(e) In addition to the registration statement, civil union partners may submit to the city, and the city shall maintain, a statement or list describing any additional documents, such as contracts and agreements, that document the rights, responsibilities and obligations that the civil union partners have established. In order to prevent public access to private, personal information, civil union partners may not submit, and the city will not maintain, the contracts and agreements themselves. By way of example, the statement or list of additional documents evidencing the parties' civil union may include a description of:

- (1) Agreements between the parties regarding the management and ownership of real and personal property.
- (2) Agreements between the parties regarding the obligations that either or both may have agreed to assume regarding the existing children or other family members of one or both of the parties.
- (3) Agreements between the parties regarding the obligations that either or both may have agreed to assume regarding prospective children of one or both of the parties.
- (4) Agreements between the parties regarding the disposition of their property upon the death of either party.

- (5) Agreements for resolving any disputes that may arise should the relationship dissolve, through alternative dispute resolution procedures or otherwise.
- (6) Documents that establish any other rights or obligations that may be legally exchanged by and between the parties.

(f) As part of the registration statement, the parties to a civil union may include a statement describing their shared intentions regarding the scope of the relationship, regardless of whether or not they have entered into any contracts or agreements of the kind described in subparagraph (e) above.

(g) Any documents described in the statement or list provided to the city pursuant to subsection (e) above, and any statement of shared intent provided pursuant to subsection (f) above, shall only be effective as provided under Arizona law and any other applicable law, and the fact that the statement or list has been submitted to the city and/or is maintained by the city shall not affect whether those documents are enforceable or binding upon the parties thereto. For example, some agreements may require additional documentation or formalities in execution in order to effectuate their intent under Arizona law.
(Ord. No. 9898, § 1, 9-15-03; Ord. No. 11088, § 1, 6-18-13, eff. 7-19-13)

Sec. 17-74. Termination of civil union.

A civil union shall terminate upon the occurrence of any one (1) of the following:

- (1) The death of one (1) of the partners;
- (2) The filing of a sworn termination statement with the city’s finance department on the form prescribed by the city. The person filing the sworn termination statement shall declare that the civil union is terminated and, if the termination statement has not been signed by both parties to the civil union, that the other person has been notified in writing of such termination at the last known address of such person;

- (3) The marriage, expressly recognized by the State of Arizona, of either one of the civil union partners.

(Ord. No. 9898, § 1, 9-15-03; Ord. No. 11088, § 1, 6-18-13, eff. 7-19-13)

Sec. 17-75. Fees; civil union certificate.

(a) The fee for filing a civil union statement and any attachments shall be fifty dollars (\$50.00) which entitles the person filing the statement on behalf of the civil union to two (2) certified copies of the official statement, which shall constitute civil union certificates.

(b) The fee for obtaining additional copies shall be ten dollars (\$10.00) per copy.

(c) The fee for filing a termination of civil union statement shall be ten dollars (\$10.00).
(Ord. No. 9898, § 1, 9-15-03; Ord. No. 11088, § 1, 6-18-13, eff. 7-19-13)

Sec. 17-76. Rights of registered civil union partners.

(a) *Health care visitation.* All health care facilities operating within the city shall allow the registered civil union partner of a patient to visit such patient unless no visitors are allowed or the patient expresses a desire that visitation by the civil union partner be restricted. As used in this section, “health care facility” means every place, institution, building or agency, whether organized for profit or not, which provides facilities with medical services, nursing services, health screening services, other health-related services, supervisory care services, personal care services or directed care services and includes home health agencies as defined in A.R.S. § 36-151 and hospice service agencies.

(b) *Use of and access to city facilities.* All facilities owned or operated by the city, including but not limited to recreational facilities shall allow the registered civil union partner of a user to be included in any rights and privileges accorded a spouse for purposes of use of and access to city facilities.

(c) *City employee benefits.* To the extent authorized by law, any city employee who is registered with the city as a civil union partner may designate his

or her partner as a beneficiary of any of the benefits provided by the city in the same manner as a spouse of an employee.

(Ord. No. 9898, § 1, 9-15-03; Ord. No. 11088, § 1, 6-18-13, eff. 7-19-13)

Sec. 17-77. Limitation of liabilities.

(a) Nothing in this article shall be interpreted to contravene the general laws of the State of Arizona.

(b) Nothing in this article shall be construed to create additional legal liabilities greater than those already existing under law or to create new private causes of action.

(c) By maintaining records provided by civil union partners pursuant to this article, including the statement or list of documents as described in section 17-73(e) and the statement of shared intent as described in section 17-73(f), the city does not make any representation or warranty that such documents, records or stated intentions are legally enforceable or valid.

(Ord. No. 9898, § 1, 9-15-03; Ord. No. 11088, § 1, 6-18-13, eff. 7-19-13)

Sec. 17-78. Public Records.

The statement of civil union, the civil union certificate and all documents provided to the city by civil union partners pursuant to this article shall be treated as a public record pursuant to the laws of the State of Arizona and shall be subject to disclosure upon request.

(Ord. No. 11088, § 2, 6-18-13, eff. 7-19-13)

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approximately equal installments commencing in the pay period in which July 1 falls through the end of that fiscal year.

Sec. 22-93(g). Employees with twenty-two (22) or more years of service as of July 1 of the year of their request for sick leave payment who have six hundred (600) hours of sick leave on the first day of the pay period in which April 1 falls shall, on request, be paid for the unused portion of the first seven (7) days (fifty-six (56) hours) of their annual sick leave plus an additional one hundred fifty-two (152) hours of their accrued sick leave, or any part of those combined hours, as set forth in the employee's request, not to exceed a maximum total of two hundred eight (208) hours per year, in approximately equal installments, commencing in the pay period in which July 1 falls through the end of that fiscal year.

(Ord. No. 9382, § 1, 5-15-00; Ord. No. 9523, § 1, 3-5-01; Ord. No. 9561, § 1, 6-11-01; Ord. No. 9720, § 1, 6-10-02; Ord. No. 10425, § 2, 6-19-07, eff. 7-1-07)

Editor's note – Ord. No. 9382, § 1, adopted May 15, 2000, amended the Code by adding provisions designated as § 22-92. Inasmuch as there already exist provisions so designated, the provisions of Ord. No. 9382 have been included herein as § 22-93 at the discretion of the editor.

Sec. 22-94. Conditions for annual sick leave payment to police department commissioned personnel.

Sec. 22-94(a). Payment shall be at the employee's base rate of pay in effect at the time of the payment, exclusive of overtime, shift differential, standby pay, temporary promotion pay, longevity pay, and any other type of pay not included in the employee's base rate.

Sec. 22-94(b). Payment shall require a request by the employee prior to June 1 preceding the fiscal year of payment. Any of the remaining annual sick leave hours for which payment is not requested remain subject to the sick leave transfer provisions of city administrative directive 2.01-7.

Sec. 22-94(c). Conditions for annual sick leave payment to police department commissioned personnel are subject to retroactive and/or prospective alteration, amendment, or repeal at any time.

Sec. 22-94(d). Employees with fifteen (15) or more years of service in the pay period in which July 1 of the year of their request for sick leave payment falls, who have four hundred eighty (480) hours of sick leave

on the first day of the pay period in which April 1 falls, shall, on request, be paid for the unused portion of the first fifty-six (56) hours of their annual sick leave, plus an additional forty-eight (48) hours of their accrued sick leave, or any part of those combined hours as set forth in the employee's request, not to exceed a maximum total of one hundred four (104) hours per year, in approximately equal installments commencing in the pay period in which July 1 falls through the end of that fiscal year.

Sec. 22-94(e). Employees with seventeen (17) or more years of service in the pay period in which July 1 of the year of their request for sick leave payment falls, who have five hundred forty-four (544) hours of sick leave on the first day of the pay period in which April 1 falls, shall, on request, be paid for the unused portion of the first fifty-six (56) hours of their annual sick leave, plus an additional one hundred (100) hours of their accrued sick leave, or any part of those combined hours as set forth in the employee's request, not to exceed a maximum total of hundred fifty-six (156) hours per year, in approximately equal installments commencing in the pay period in which July 1 falls through the end of that fiscal year.

Sec. 22-94(f). Employee with twenty (20) or more years of service in the pay period in which July 1 of the year of their request for sick leave payment falls, who have six hundred (600) hours of sick leave on the first day of the pay period in which April 1 falls shall, on request, be paid for the unused portion of the first seven (7) days (fifty-six (56) hours) of their annual sick leave plus an additional one hundred fifty two (152) hours of their accrued sick leave, or any part of those combined hours, as set forth in the employee's request, not to exceed a maximum total of two hundred eight (208) hours per year, in approximately equal installments, commencing in the pay period in which July 1 falls through the end of that fiscal year.

Sec. 22-94(g). Year(s) of prior active duty military service or prior commissioned police service from other jurisdictions shall be included in calculating the years of qualifying service applicable to any payments made under the preceding subparagraphs (d) through (f) of § 22-94.

(Ord. No. 9560, § 1, 6-11-01; Ord. No. 95-90, § 2, 8-6-01; Ord. No. 9864, § 3, 6-16-03; Ord. No. 9878, § 2, 8-4-03; Ord. No. 10425, § 3, 6-19-07, eff. 7-1-07, eff. 7-1-07)

Sec. 22-95. Sick leave incentive program providing for incentive payment and personal leave days.

Sec. 22-95(a). The employee group eligible for representation by the Communication Workers of America Local 7000 – Tucson Association of City Employees, (CWA/TACE), may earn eight (8) hours of personal leave, three (3) times in each fiscal year, conditioned that the employee has not used any leave without pay or sick leave, including Family Medical Leave (FML). The accrual shall be every four (4) months. The reporting period will be for the pay periods beginning June 30 through November 2, November 3 through March 8, and March 9 through June 28. Personal leave days will not carry forward from one (1) four (4) month period to the next. A personal leave day earned must be used in the following four (4) month period or be forfeited by the employee. Personal leave carries no entitlement to compensation, and if not used prior to separation from city service, is forfeited without any credit to the member or to any other city or state pension or benefit program.

Sec. 22-95(b). The employee group eligible for representation by the American Federation of State, County and Municipal Employees, (AFSCME), shall be entitled to receive a cash incentive of one hundred fifty dollars (\$150.00) for each six (6) month period in each fiscal year, conditioned that the employee has not used any leave without pay or sick leave, including FML, in the six (6) month period preceding the date of payment. The sick leave incentive payment will be included in the first paycheck in February for the first six (6) month period and in the first paycheck in August for the second six (6) month period.

Sec. 22-95(c). The employee group eligible for representation by the Tucson Police Officers Association (TPOA), may earn three (3) personal leave days in each fiscal year, and bank up to three (3) personal leave days, provided they do not use sick leave or leave without pay, including FML. The accrual shall be every four (4) months. The reporting period will be for the pay periods beginning June 30 through November 2, November 3 through March 8, and

March 9 through June 28. In no event shall any personal leave days accrued be exchanged for any type of compensation, and if not used prior to separation from city service are forfeited without any credit to the member or to any other city or state pension or benefit plan.

Sec. 22-95(d). The employee group eligible for representation by Tucson Fire Fighters Association (TFFA): commissioned firefighters who have not used in excess of one (1) twenty-four (24) hour shift, or two (2) consecutive work days for non-twenty-four (24) hour shift personnel, due to lost time or unscheduled vacation over a four (4) month period, and each four (4) months thereafter, will be entitled to one (1) personal leave day. Employees may earn three (3) personal leave days in each fiscal year and bank up to three (3) personal leave days. The accrual shall be every four (4) months. The reporting period will be for the pay periods beginning June 30 through November 2, November 3 through March 8, and March 9 through June 28. Personal leave carries no entitlement to compensation and if not used prior to separation from city service is forfeited without any credit to the member or to any other city or state pension or benefit program. For the purpose of this subsection, for commissioned firefighters assigned to fire suppression, one (1) workday equals one (1) twenty-four (24) hour shift.

Sec. 22-95(e). Employees who are not eligible to be represented by any labor organization may earn eight (8) hours of personal leave for each four (4) month period during which the employee did not use sick leave or leave without pay, including FML. The accrual period shall be every four (4) months. The reporting period will be for the pay periods beginning June 30 through November 2, November 3 through March 8, and March 9 through June 28. Personal leave days will not carry forward from one (1) four (4) month period to the next. A personal leave day earned must be used in the following four (4) month period or be forfeited. Personal leave carries no entitlement to compensation, and if not used prior to separation from city service is forfeited without any credit to the member or to any other city or state pension or benefit program.

(Ord. No. 9719, § 3, 6-10-02; Ord. No. 10004, § 3, 6-28-04; Ord. No. 10019, § 1, 8-2-04; Ord. No. 10163, § 2, 6-14-05; Ord. No. 10294, § 2, 6-27-06; Ord. No. 10425, § 4, 6-19-07; Ord. No. 10557, § 3, 6-25-08, eff. 7-1-08; Ord. No. 10678, § 4, 6-9-09, eff. 7-1-09; Ord. No. 10812, § 1, 6-22-10, eff. 7-1-10; Ord. No. 10899, § 1, 6-7-11, eff. 7-1-11; Ord. No. 10991, § 2, 6-12-12, eff. 7-1-12; Ord. No. 11071, § 1, 5-21-13, eff. 7-1-13)

Sec. 22-96. Transfer and accrual of sick leave and vacation for City of Tucson/Pima County Household Hazardous Waste Program employees entering city service.

(a) Each City of Tucson/Pima County Household Hazardous Waste Program employee who is leaving Pima County employment and beginning employment with the City of Tucson under section 13 of the intergovernmental agreement with Pima County approved by mayor and council resolution on March 1, 2005 shall have his or her accrued sick and vacation leave balances transferred with the employee.

(b) These employees shall thereafter accrue city sick and vacation leave at a rate commensurate with the employees combined length of service with the county and city. This special length of service provision shall not otherwise affect the status of these employees, who will begin employment with the city as new civil service employees.

(c) The administration of accumulated and earned sick and vacation leave, as provided in this section for these employees, shall be in accordance with applicable city code and administrative provisions, as they may be amended from time to time. (Ord. No. 10125, § 1, 3-1-05)

Secs. 22-97 – 22-99. Reserved.

ARTICLE VI. OTHER INSURANCE BENEFITS

Sec. 22-100. Reserved.

Editor's note— Ord. No. 10425, § 5, adopted June 19, 2007, effective July 1, 2007, repealed § 22-100, which pertained to providing for other insurance benefits and derived from Ord. No. 9383, § 1, adopted May 15, 2000; Ord. No. 10005, § 1, adopted June 28, 2004; Ord. No. 10163, § 4, June 14, 2005.

Sec. 22-101. Death benefit for employee group eligible for representation by TPOA.

Effective June 1, 2008, the city shall provide a twenty-five thousand dollar (\$25,000.00) death benefit to the survivor of a city employee who is a member of the employee group eligible for representation by TPOA, who holds a permanent position in the classified service at the time of death, and who is killed while directly performing duties as a peace officer for the city. A survivor for the purposes of this section shall be the person(s) indicated as the beneficiary of the employee's pension or as otherwise provided by law. (Ord. No. 10005, § 1, 6-28-04; Ord. No. 10163, § 5, 6-14-05; Ord. No. 10557, § 4, 6-25-08, eff. 7-1-08; Ord. No. 10569, § 1, 7-8-08)

Sec. 22-102. Death benefit for employee group eligible for representation by IAFF.

The city shall provide a twenty-five thousand dollar (\$25,000.00) death benefit to the survivor of a city employee who is a member of the employee group eligible for representation by IAFF who holds a permanent position in the classified service at the time of death and who is killed while directly performing duties as a commissioned fire employee for the city, or who dies as a result of occupational illness or occupational exposure. A survivor for the purposes of this section shall be the person(s) indicated as the beneficiary of the employee's pension or as otherwise provided by law. (Ord. No. 10005, § 1, 6-28-04; Ord. No. 10294, § 3, 6-27-06; Ord. No. 10557, § 5, 6-25-08, eff. 7-1-08)

Sec. 22-103. Death benefit for employee group eligible for representation by AFSCME.

The city shall provide a two thousand five hundred dollar (\$2,500.00) special death benefit to the survivor of a city employee who is a member of the employee group eligible for representation by AFSCME and dies while in the employ of the City of Tucson. Although the benefit will be paid without restriction, it is intended that it should be used for purposes of the employees funeral expenses. A survivor for the purposes of this section shall be the person(s) indicated as the beneficiary of the employee's pension or as otherwise provided by law. (Ord. No. 10020, § 1, 8-2-04; Ord. No. 10557, § 6, 6-25-08, eff. 7-1-08)

Sec. 22-104. Death benefit for employee group eligible for representation by CWA/TACE.

The city shall provide twenty-five thousand dollars (\$25,000.00) death benefit to the survivor of a city employee who is a member of the employee group eligible for representation by CWA/TACE who holds a permanent position in the classified service at the time of death and who is killed while directly performing duties as an employee for the city, or who dies as a result of occupational illness or occupational exposure. A survivor for the purposes of this section shall be the person(s) indicated as the beneficiary of the employee's pension or as otherwise provided by law. (Ord. No. 10557, § 7, 6-25-08, eff. 7-1-08)

houses, stores or buildings are held or owned by the same person. The determination of the superintendent of the water department as to whether any house, residence, store or building comes within the meaning of this section so as to require a separate water service connection shall be final; however, the owner of the premises shall have the right to appeal such decision to the mayor and council at their next meeting. In the event of any such appeal being taken, the determination of the mayor and council shall be final.
(1953 Code, ch. 25, § 11a)

Sec. 27-11. Installations, repairs by individual prohibited.

All water services shall be installed by the water department as provided in this chapter. It shall be unlawful for any person to install any such service or any part of such service, or to repair any service now existing or any part thereof, from the water main to and including the meter, or disturb any street or alley in any manner for the purpose of locating trouble or any other reason whatsoever.
(1953 Code, ch. 25, § 12)

Sec. 27-12. City not liable for damages; stopcock required.

The city shall not be held liable for any damage that may result from the shutting off or turning on of any supply pipe or main for any purpose whatever, even should no notice have been given, nor for damages caused by any break or leak on any water pipe inside of the curb, etc. All supply pipes to buildings should be properly supplied with a suitable stopcock inside the property line, to ensure against the danger of frost or bursts which may cause any damage. Such cock should be kept in good order and under control of the consumer. The stopcock and box on the curb shall be in charge of the water department only.
(1953 Code, ch. 25, § 13)

Sec. 27-13. Turning on water without authority.

If any person shall, by false key or otherwise, cause such premises to be supplied with water without the authorization of the director of the water department, such person, and his aiders and abettors, shall be guilty of a civil infraction and subject to the penalties as outlined in section 27-16.1 of the Tucson Code.

(1953 Code, ch. 25, § 15; Ord. No. 7547, § 1, 1-7-91; Ord. No. 9015, § 1, 2-9-98)

Sec. 27-14. Authority to withhold water for violations.

The supply of water may be withheld from all premises when the provisions of this chapter or the rules and regulations adopted by the mayor and council have in any manner been violated, and the supply not again turned on except upon a rectification of the cause of withholding the same and satisfactory assurance given that no further cause of complaint shall arise.
(1953 Code, ch. 25, § 17)

Sec. 27-15. Waste or unreasonable use of water; violation declared a civil infraction.

It is declared that, because safe, high quality potable water and reclaimed water are a precious resource, the general welfare requires that the water resources available to the city be put to maximum beneficial use, and that the waste or unreasonable use, or unreasonable method of use, of water be prevented. For the purposes of this section, the person, corporation, or association in whose name the water utility of the city is or was last billed or who is receiving the benefit of the water supply on the premises, as defined under section 27-10, is presumed to have knowingly made, caused, used, or permitted the use of water received from the city for in a manner contrary to any provision of this section, if the water has been used in a manner contrary to any provision of this section.

(a) The following uses are a waste or unreasonable use or method of use of water and are prohibited:

- (1) Allowing water to escape from any premises onto public property, such as alleys or streets, or upon any other person's property.
- (2) Allowing water to pond in any street or parking lot to a depth greater than one-quarter (1/4) inch or to permit water to pond over a cumulative surface area greater than one hundred fifty (150) square feet on any street or parking lot.
- (3) Washing driveways, sidewalks, parking areas, or other impervious surface areas with an open hose, or with a spray nozzle attached

to an open hose, or under regular or system pressure, except when required to eliminate conditions that threaten the public health, safety, or welfare. This restriction does not apply to residential customers.

- (4) Operating a misting system in unoccupied non-residential areas.
- (5) Operating a permanently installed irrigation system with a broken head or emitter, or with a head that is spraying more than ten (10) percent of the spray on a street, parking lot, or sidewalk; this prohibition does not apply unless the head or emitter was designed to deliver more than one (1) gallon of water per hour during normal use.
- (6) Failing to repair a controllable leak, including a broken sprinkler head, a leaking valve, or a leaking faucet.
- (7) Failure to meet the fifty (50) percent rainwater harvesting requirement for landscape irrigation set forth in Chapter 6, Article VIII of the Tucson Code.

(b) Any person who violates any portion of this section is guilty of a civil infraction, and shall be fined upon the first offense, a minimum of two hundred fifty dollars (\$250.00); and upon the second offense within a period of three (3) years and upon each subsequent conviction within such period, a minimum of five hundred dollars (\$500.00). The imposition of civil liability shall not preclude the city from taking any other enforcement actions permitted under section 27-14 or section 27-97 of this chapter. (1953 Code, ch. 25, § 16; Ord. No. 6096, § 1, 10-1-84; Ord. No. 7547, § 2, 1-7-91; Ord. No. 9407, § 1, 6-19-00; Ord. No. 10597, § 2, 10-14-08)

Sec. 27-16. Interfering with, tampering with water facilities; removing water; violation declared a civil infraction.

No person shall install any connection to any fire hydrant or shall open or close any fire hydrant or stop-cock connected with the water department of the city, or lift or remove the covers of any gate valves or shut-offs, or tap into city water mains which may result in the delivery of water, without a permit from the

director of the water department, or in violation of conditions of a permit, except in case of fire, and then under the direction of officers of the fire department. Any person identified through a water department field investigation as having water turned on without authority and/or found to have tampered with the water meter or removed water without authority will be charged a fee of one hundred one dollars and forty-eight cents (\$101.48). Further, it shall be a civil infraction for any person, firm, or corporation to violate the provisions of this section.

(1953 Code, ch. 25, § 8; Ord. No. 5023, § 1, 8-6-79; Ord. No. 6096, § 2, 10-1-84; Ord. No. 9015, § 2, 2-9-98; Ord. No. 10897, § 1, 5-24-11, eff. 7-5-11; Ord. No. 11072, § 1, 5-21-13, eff. 7-1-13)

Sec. 27-16.1. Turning on water without authority; interfering with, tampering with water facilities; removing water; minimum penalty; subsequent conviction.

A person convicted for the first time of the offense prohibited by section 27-13 or 27-16 shall be punished by a fine of not less than two hundred fifty dollars (\$250.00). A person convicted of a second offense prohibited by section 27-13 or 27-16 shall be punished by a fine of not less than five hundred dollars (\$500.00). A person convicted of a third or subsequent offense prohibited by section 27-13 or 27-16 shall be punished by a fine of not less than one thousand dollars (\$1,000.00). No hearing officer may suspend the imposition of the fine prescribed herein upon a person convicted of the offense prohibited by section 27-13 or 27-16.

(Ord. No. 5023, § 2, 8-6-79; Ord. No. 6096, § 3, 10-1-84; Ord. No. 7547, § 3, 1-7-91; Ord. No. 10897, § 1, 5-24-11, eff. 7-5-11)

Sec. 27-16.2. Permit for construction water.

Sec. 27-16.2(1). Procedure for obtaining a permit. Applicants for a permit required by section 27-16 shall apply in person at the new services area. The completed form request shall be processed by the utility and shall be approved if the applicant has furnished all requested information and has met all the applicable requirements of this article and of the rules and regulations of the utility. Once a permit has been approved, the water utility shall establish an account in the applicant's name.

Construction water may not be used to replace water that would otherwise be available from a metered private plumbing or irrigation system, and may not be used to fill swimming pools or landscape features. Construction water may not be resold to any third party.

Sec. 27-16.2(2). Permit conditions for construction water.

- (a) The permit may require that the permittee obtain water only at (a) specified location(s) and at such times as are deemed by the superintendent to be in the best interests of the water utility.
- (b) All water provided from fire hydrants, blowoffs and drain valve assemblies for construction purposes must be metered. If the stock of available fire hydrant meters is depleted, a waiting list will be created and utilized as hydrant meters become available.
- (c) If the applicant for a fire hydrant permit requests a meter be placed on the hydrant, the water utility shall install the meter on the hydrant after the applicant remits a deposit of one thousand seven hundred sixty-two dollars (\$1,762.00). The deposition shall be used, in whole or in part, to reimburse the utility for damage to the meter or related appurtenance, such as a backflow prevention device. Any unused portion of the deposit shall be refunded to the applicant upon return of the meter and any related appurtenance to the utility. In addition, the applicant shall pay a non-refundable fee of ninety-six dollars and sixty-nine cents (\$96.69) to cover the costs of installing the meter on the fire hydrant. The applicant shall pay this fee for the initial installation of a meter on a fire hydrant and also each time the meter is moved.
- (d) An applicant for a fire hydrant permit may install his or her privately owned meter on the carrying vehicle or may use it as a portable meter at the applicant's expense as long as the permit is current and there is a permitted backflow device at the point of connection. The meters must be read by the applicant and readings faxed to the billing

office by the 20th of each calendar month. The superintendent or designee may at any time require an applicant to deliver the carrying vehicle and the water meter to a designated location for testing and reading of the meter. Failure of the applicant to appear at the designated time and location shall be cause for revocation of the fire hydrant permit for a period of one (1) year from the date of the failure to appear. Revocation is subject to minor sections 27-16.2(3) and 27-16.2(4) of this article.

- (e) Privately owned meters used for construction water are required to be tested annually for accuracy by Tucson Water. The customer shall pay a fee of sixty-five dollars and twenty-one cents (\$65.21).
- (f) Permits shall expire twelve (12) months (one (1) year) after issuance and may be renewed provided all requirements of this article and of the rules and regulations of the water department have been met. Applicant may cancel permit before the expiration date if the hydrant meter is no longer required.
- (g) Permits must be readily available at the water source when in use, or on file at the corporation business address.
- (h) The rules and regulations of the department are a condition of the permit.

Sec. 27-16.2(3). Revocation of permit.

- (a) The superintendent may revoke a permit issued under this article upon a finding that the permittee has violated any provisions of this article, the rules and regulations of the department or conditions of the permit.
- (b) No revocation of permit shall be ordered until a hearing on the question has been held by the superintendent or his designate. At this hearing the permittee may appeal personally or through counsel, cross-examine witnesses and present evidence in his own behalf. Notice of the hearing shall be given to the permittee at least five (5) days prior to the date of hearing.

(c) Notice may be served by depositing in the mail a true copy of the notice enclosed in a sealed envelope with postage prepaid and addressed to the permittee at his last-known address. The notice shall include:

1. A statement of the time, place and nature of the hearing;
2. A short and plain statement of the grounds for revocation or denial. Notice shall be deemed to have been given at the time of deposit, postage prepaid, in a facility regularly serviced by the United States Postal Service.

(d) The determination of the hearing officer shall be final.

Sec. 27-16.2(4). Denial of permit or renewal of permit.

(a) An applicant for a permit or for the renewal of a permit whose application is denied shall be notified in writing of the reasons for the denial. The notice shall further state that the applicant has ten (10) days to contact the water utility to challenge the grounds for denial.

(b) Within ten (10) days of a written application by the applicant the superintendent or his designate shall hold a hearing on the question. The applicant shall be given notice pursuant to minor section 27-16.2(3).

(c) The determination of the hearing officer shall be final.

(Ord. No. 5023, § 3, 8-6-79; Ord. No. 5756, § 1, 5-2-83; Ord. No. 6208, § 1, 4-1-85; Ord. No. 9043, § 1, 4-13-98; Ord. No. 9238, § 1, 6-14-99; Ord. No. 9388, § 1, 5-22-00; Ord. No. 9977, § 2, 5-24-04; Ord. No. 10359, § 1, 12-12-06, eff. 1-16-07; Ord. No. 10510, § 1, 3-18-08, eff. 7-1-08; Ord. No. 10897, § 1, 5-24-11, eff. 7-5-11; Ord. No. 11072, § 1, 5-21-13, eff. 7-1-13)

Sec. 27-17. Damaging, defacing water facilities.

If any person shall destroy, deface, impair, injure or wantonly force open any gate or door, or in any way whatever destroy, injure or deface any part of any

enginehouse, reservoir, standpipe, building or appurtenances, fences, trees, crops or fixtures or property appertaining to the water department of the city, such person shall be guilty of a misdemeanor. (1953 Code, ch. 25, § 9)

Sec. 27-18. Use of device to bypass metering of water prohibited; civil infraction; minimum penalty; persons liable.

(a) No person shall utilize any device or method of connection to the municipal water system, including without limitation, any spacer or straight line pipe connection, which may result in delivery of any water to any person or property without passage of the water through a municipal water meter.

(b) It shall be a civil infraction for any person to violate this section. Any person, firm or corporation found liable for a violation of this section shall be assessed a fine of not less than two hundred fifty dollars (\$250.00). Any person, firm or corporation found liable for a second violation of this section shall be assessed a fine of not less than five hundred dollars (\$500.00). Any person, firm or corporation found liable for a third or subsequent violation of this section shall be assessed a fine of not less than one thousand dollars (\$1,000.00). No hearing officer may suspend the imposition of any fine prescribed herein.

(c) Whenever a device or method of connection is in violation of this section, the owner or owners of the private property upon which any part of the violation occurs and the person who installed the device or method shall be jointly and severally liable for the violation and for the civil fine prescribed as punishment therefor.

(Ord. No. 7283, § 1, 9-18-89; Ord. No. 9015, § 3, 2-9-98; Ord. No. 10897, § 1, 5-24-11, eff. 7-5-11)

Editor's note – Ord. No. 4656, § 1, adopted May 23, 1977, specifically amended the Code by repealing § 27-18. The former section pertained to outdoor water usage limitation, and had been derived from Ord. No. 4490, § 1, adopted May 24, 1976. Subsequently, § 1 of Ord. No. 7283, adopted Sept. 18, 1989, added a new § 27-18.

Sec. 27-19. Installation of ultra-low-flush water closets in low income owner-occupied housing.

The director shall establish and administer a program to provide for the purchase and installation of

ultra-low-flush water closets in pre-qualified low-income, owner-occupied customer dwellings and for the purchase of ultra-low-flush water closets in city-owned low income housing units. The director shall develop an application form to be utilized by low-income customers who meet standard poverty-level income threshold guidelines as a function of family size to apply for the assistance pursuant to this program. (Ord. No. 8598, § 1, 11-13-95)

Editor's note – Ordinance No. 8458, § 1, adopted March 6, 1995, repealed section 27-19. Formerly such section pertained to incentives for the installation of ultra-low-flow water closets and derived from Ord. No. 7314, § 1, 11-20-89 and Ord. No. 7366, § 1, 3-12-90.

Secs. 27-20 – 27-27. Reserved.

ARTICLE II. RATES AND CHARGES

Sec. 27-28. Established by mayor and council.

The rates for the use of water for consumers shall be established by the mayor and council, subject to change, revision and modification in their discretion. (1953 Code, ch. 25, § 19)

Sec. 27-29. Liability of customer of record or property owner for charges.

The customer of record, as indicated in the utility's records, is responsible for paying all charges for the provision of water service to a property or premises, regardless of whether the customer of record or another party has actually used the water delivered to the property. The utility may elect to pursue collection of any outstanding charges from the owner of the property if the customer of record does not pay for any outstanding charges. In such a case, ownership of the property or premises shall be determined by reference to public records maintained by the Pima County Recorder's Office. The property owner shall have the right to appeal the water charges pursuant to section 27-50(2).

If there is no customer of record, and a monthly meter reading indicates usage of water at the property or premises, the owner of the property shall be responsible for paying the water charges due. The property owner shall have the right to appeal the water charges pursuant to section 27-50(2). (1953 Code, ch. 25, § 18; Ord. No. 9763, § 1, 9-9-02)

Sec. 27-30. Service charge.

Any person wishing to discontinue the use of water supplied from the department of water of the city must give notice thereof at the office, or the charge for water will be entered until such notice has been given. The charge for reactivation of water service or the transfer of water service from one customer to another will be twenty-two dollars and sixty-nine cents (\$22.69). The charge for a customer to activate the fire protection (sprinkler service) or transfer of fire protection (sprinkler service) from one customer to another will be five dollars and forty cents (\$5.40). (1953 Code, ch. 25, § 14; Ord. No. 2665, § 1, 9-21-64; Ord. No. 3394, § 1, 1-12-70; Ord. No. 4626, § 3, 3-3-77; Ord. No. 5355, § 1, 4-20-81; Ord. No. 8446, § 1, 2-13-95; Ord. No. 9238, § 2, 6-14-99; Ord. No. 9977, § 2, 5-24-04; Ord. No. 10359, § 2, 12-12-06, eff. 1-16-07; Ord. No. 10510, § 2, 3-18-08, eff. 7-1-08; Ord. No. 11072, § 2, 5-21-13, eff. 7-1-13)

Sec. 27-31. Definitions.

In this article, unless the context otherwise requires:

- (1) *Basic volume charge* means a monthly water charge per Ccf for all monthly water use.
- (2) *Ccf* means one hundred (100) cubic feet of water and is equal to seven hundred forty-eight (748) gallons.
- (3) *Commercial* means a customer classification of service wherein family units do not normally reside and includes, but is not limited to, motels, hotels, rest homes, fraternal organizations, laundries, service stations, bottling works, hospitals, restaurants, wholesale, retail and other business establishments, governmental offices or organizations.
- (4) *Construction water* means water service provided under the terms of section 27-16.2 for water use on construction projects, such as utility pipeline installations or repairs, street or highway construction, site grading, dust control, and concrete mixing. Construction water may not be used to replace water that would otherwise be available from a metered private plumbing or

irrigation system, and may not be used to fill swimming pools or landscape features. Construction water may not be resold to any third party.

- (5) *Department* means the city department of water.
- (6) *Director* means the chief officer of the department of water and is the officer designated as the superintendent of the water department in chapter X, section 8 of the Charter.
- (7) *Industrial* means a customer classification of services that use at least five million (5,000,000) gallons of water per month for manufacturing purposes at one (1) geographically contiguous location or use sixty million (60,000,000) or more gallons of water in any calendar year for manufacturing purposes at one (1) geographically contiguous location; and schools in the Tucson Unified School District (TUSD) by prior contract with the city.
- (8) *Mobile home park with sub-meters* means a mobile home park classified as a multi-family customer that utilizes sub-meters to separately meter and bill each user within the mobile home park.
- (9) *Multi-family* means a customer classification consisting of more than three (3) residential units served by one (1) master meter.
- (10) *Nonparticipating applicant for service* shall mean an applicant for new water connection to a subdivision, or parcel of land that has not participated in the cost of the installation of the water supply main to which the connection will be made.
- (11) *Reclaimed water* means wastewater which has received postsecondary treatment.
- (12) *Residential* means a customer classification consisting of one (1) residential unit (single-family) or two (2) or three (3) residential units (duplex-triplex) served by one (1) master meter.

(13) *Summer* shall mean, for the purposes of computing water rates, the period of time from May 1 through October 31.

(14) *Summer surcharges* shall mean an amount charged per Ccf for summer monthly water use in excess of the average monthly winter consumption of water. The Tier 1 summer surcharge applies to all monthly water use in excess of the average winter monthly consumption of water and is in addition to the basic volume charge. The Tier 2 summer surcharge applies to all monthly water use in excess of one hundred forty-five (145) percent of the average winter monthly consumption of water and is an addition to the basic volume charge and the Tier 1 summer surcharge.

(15) *Water facilities* means booster plants, storage tanks, wells, pumping equipment, distribution and service lines and all other appurtenances to a water system other than meters.

(16) *Winter* shall mean, for the purpose of computing water rates, the period of time from November 1 through April 30.

(Ord. No. 4489, § 3, 5-24-76; Ord. No. 4496, §§ 1, 2, 6-7-76; Ord. No. 4550, § 1, 8-10-76; Ord. No. 4626, § 4, 3-3-77; Ord. No. 5235, § 1, 10-6-80; Ord. No. 6327, § 1, 11-4-85; Ord. No. 7171, § 1, 4-17-89; Ord. No. 8024, § 1, 4-12-93; Ord. No. 8120, §§ 1, 2, 9-7-93; Ord. No. 8121, § 1, 9-7-93; Ord. No. 8483, § 1, 5-15-95; Ord. No. 8768, §§ 1, 2, 10-28-96; Ord. No. 9156, § 1, 11-9-98; Ord. No. 9477, § 1, 10-23-00; Ord. No. 96-4, § 1, 9-10-01; Ord. No. 9763, § 1, 9-9-02; Ord. No. 9979, § 1, 6-7-04; Ord. No. 10415, § 1, 6-12-07, eff. 7-9-07)

Sec. 27-32. Charges for water service.

Charges for water utility service shall be made at monthly intervals and shall, to the extent possible, be consistent with the policy for charging for water in direct proportion to the cost of securing, developing and delivering water to the customers of the city water system. Water charges will be computed through the summation of service charge, the monthly water use charge, the Central Arizona Project surcharge, the

conservation charge and summer surcharges where applicable.

(Ord. No. 4489, § 4, 5-24-76; Ord. No. 4550, § 2, 8-10-76; Ord. No. 4626, § 5, 3-3-77; Ord. No. 6222, § 1, 4-22-85; Ord. No. 8024, § 2, 4-12-93; Ord. No. 9477, § 1, 10-23-00; Ord. No. 9763, § 1, 9-9-02; Ord. No. 10535, § 1, 6-3-08, eff. 7-7-08; Ord. No. 10673, § 1, 6-2-09, eff. 7-6-09)

Sec. 27-32.1. Monthly reclaimed water service charges.

For the purposes of computing reclaimed water charges:

- (1) The service charge shall be levied whether or not any water is provided and is hereby fixed at the following per month per connection:

MONTHLY SERVICE CHARGE

<i>Service Size (inches)</i>	<i>Monthly Service Charge</i>
5/8.	\$7.74
1.	14.33
1 1/2.	25.33
2.	38.52
2 1/2.	56.11
3.	73.70
4.	124.28
6.	250.93
8.	377.14
10.	575.04
12.	948.84

- (2) In addition to the applicable service charge, the charge for reclaimed water shall be:

\$1.83 per Ccf (\$797.00 per acre-foot).

The foregoing service charges and rates may be adjusted every year during and as a part of the annual water rate adjustment.

(Ord. No. 6327, § 2, 11-4-85; Ord. No. 6411, § 1, 4-28-86; Ord. No. 6692, § 1, 4-13-87; Ord. No. 6925, § 1, 4-11-88; Ord. No. 7171, § 2, 4-17-89; Ord. No. 7391, § 1, 4-16-90; Ord. No. 8024, § 3, 4-12-93; Ord. No. 9156, § 2, 11-9-98; Ord. No. 9477, § 1, 10-23-00; Ord. No. 96-4, § 1, 9-10-01; Ord. No. 9763, § 1,

9-9-02; Ord. No. 9842, § 1, 5-12-03; Ord. No. 9979, § 1, 6-7-04; Ord. No. 10305, § 1, 7-6-06; Ord. No. 10415, § 1, 6-12-07; Ord. No. 10535, § 1, 6-3-08, eff. 7-7-08; Ord. No. 10673, § 1, 6-2-09, eff. 7-6-09; Ord. No. 10795, § 1, 5-25-10, eff. 7-5-10; Ord. No. 10896, § 1, 5-24-11, eff. 7-5-11; Ord. No. 10987, § 1, 5-22-12, eff. 7-2-12; Ord. No. 11073, § 1, 5-21-13, eff. 7-1-13)

Sec. 27-33. Monthly potable water service charges.

For the purposes of computing monthly water charges:

- (1) The monthly service charge shown in the following table applies to all customer classes. The fee shall be charged whether or not any water is provided.

<i>Service Size (inches)</i>	<i>Monthly Service Charge</i>
5/8.	\$9.68
3/4.	12.84
1.	19.18
1 1/2.	35.02
2.	54.03
2 1/2.	79.37
3.	104.72
4.	177.59
6.	360.07
8.	541.92
10.	827.05
12.	1,365.63

- (2) Monthly water use charges in addition to the service charge shall be applicable to each service connection and shall be per Ccf and vary with customer classification and volumes used according to the following table:

RATE SCHEDULES BY CUSTOMER CLASSES

<i>Residential Single-Family</i>	<i>\$/Ccf</i>
1 – 10 Ccf.	\$1.29
11 – 15 Ccf.	2.68
16 – 30 Ccf.	6.87
Over 30 Ccf.	11.04

<i>Residential Duplex-Triplex</i>	<i>\$/Ccf</i>
1 – 15 Ccf.	\$1.29
16 – 20 Ccf.	2.68
21 – 35 Ccf.	6.87
Over 35 Ccf.	11.04
 <i>Multi-Family</i>	 <i>\$/Ccf</i>
Basic Volume Charge.	\$2.27
 <i>Mobile Home Park with Sub-Meters</i>	 <i>\$/Ccf</i>
Basic Volume Charge.	\$1.72
 <i>Commercial</i>	 <i>\$/Ccf</i>
Basic Volume Charge.	\$2.22
Tier 1 Summer Surcharge: for usage during May-October above 100% of winter (November-April) average. . . .	1.00
Tier 2 Summer Surcharge: for usage during May-October above 145% of winter (November-April) average, added to Tier 1 Surcharge.	0.27
 <i>Industrial (more than 5 Mg per month & Tucson Unified School District by contract)</i>	 <i>\$/Ccf</i>
Basic Volume Charge.	\$2.01
Tier 1 Summer Surcharge: for usage during May-October above 100% of winter (November-April) average. . . .	1.00
Tier 2 Summer Surcharge: for usage during May-October above 145% of winter (November-April) average, added to Tier 1 Surcharge.	0.27
 <i>Construction Water</i>	 <i>\$/Ccf</i>
Basic Volume Charge.	\$2.70

apply to all monthly water use at the rate of seven cents (\$0.07) per Ccf.

(5) Reserved.

(Ord. No. 4497, § 1, 6-7-76; Ord. No. 4549, § 1, 8-10-76; Ord. No. 4550, § 3, 8-10-76; Ord. No. 4626, § 6, 3-3-77; Ord. No. 4763, § 2, 2-27-78; Ord. No. 4928, § 1, 1-8-79; Ord. No. 5137, § 1, 4-21-80; Ord. No. 5355, § 2, 4-20-81; Ord. No. 5557, § 1, 5-3-82; Ord. No. 5756, § 2, 5-2-83; Ord. No. 6001, § 1, 4-23-84; Ord. No. 6222, § 2, 4-22-85; Ord. No. 6411, § 2, 4-28-86; Ord. No. 6692, § 2, 4-13-87; Ord. No. 6925, § 2, 4-11-88; Ord. No. 7171, § 3, 4-17-89; Ord. No. 7391, § 2, 4-16-90; Ord. No. 7607, § 1, 4-15-91; Ord. No. 7804, § 1, 4-20-92; Ord. No. 8024, § 4, 4-12-93; Ord. No. 8120, § 3, 9-7-93; Ord. No. 8480, § 1, 4-10-95; Ord. No. 8483, § 2, 5-15-95; Ord. No. 8768, § 3, 10-28-96; Ord. No. 9156, § 3, 11-9-98; Ord. No. 9477, § 1, 10-23-00; Ord. No. 96-4, § 1, 9-10-01; Ord. No. 9704, § 2, 5-13-02; Ord. No. 9763, § 1, 9-9-02; Ord. No. 9842, § 1, 5-12-03; Ord. No. 9979, § 1, 6-7-04; Ord. No. 10305, § 1, 7-6-06; Ord. No. 10359, § 2, 12-12-06, eff. 1-16-07; Ord. No. 10415, § 1, 6-12-07; Ord. No. 10535, § 1, 6-3-08, eff. 7-7-08; Ord. No. 10673, § 1, 6-2-09, eff. 7-6-09; Ord. No. 10795, § 1, 5-25-10, eff. 7-5-10; Ord. No. 10896, § 1, 5-24-11, eff. 7-5-11; Ord. No. 10987, § 1, 5-22-12, eff. 7-2-12; Ord. No. 11073, § 1, 5-21-13, eff. 7-1-13)

Sec. 27-34. Charges for fire protection service.

Charges for fire protection service shall be made monthly and according to the following table:

2", with detector check valve.....	\$9.20
3", with detector check valve.....	15.05
4", with detector check valve.....	23.25
6", with detector check valve.....	44.34
8", with detector check valve.....	65.43
10", with detector check valve.....	98.81
12", with detector check valve.....	160.90

(3) The Central Arizona Project surcharge shall be in addition to the service charge and water use charges for all customer classes and apply to all monthly water use at the rate of forty-eight cents (\$0.48) per Ccf.

(4) The conservation charge shall be in addition to the service charge and water use charges for all potable water customer classes and

(Ord. No. 4489, § 6, 5-24-76; Ord. No. 4626, § 7, 3-3-77; Ord. No. 4656, § 1, 5-23-77; Ord. No. 4763, § 3, 2-27-78; Ord. No. 4928, § 2, 1-8-79; Ord. No. 5137, § 2, 4-21-80; Ord. No. 5355, § 3, 5-2-83; Ord. No. 5557, § 2, 5-3-82; Ord. No. 5756, § 3, 5-2-83; Ord. No. 6001, § 2, 4-23-84; Ord. No. 6222, § 3, 4-22-85; Ord. No. 6411, § 3, 4-2-86; Ord. No. 6692, § 3, 4-13-87; Ord. No. 6925, § 3, 4-11-88; Ord. No. 7171, § 4, 4-17-89; Ord. No. 7391, § 3, 4-16-90; Ord. No.

96-4, § 1, 9-10-01; Ord. No. 9763, § 1, 9-9-02; Ord. No. 10415, § 1, 6-12-07; Ord. No. 10535, § 1, 6-3-08, eff. 7-7-08; Ord. No. 10673, § 1, 6-2-09, eff. 7-6-09; Ord. No. 10795, § 1, 5-25-10, eff. 7-5-10; Ord. No. 10896, § 1, 5-24-11, eff. 7-5-11; Ord. No. 10987, § 1, 5-22-12, eff. 7-2-12; Ord. No. 11073, § 1, 5-21-13, eff. 7-1-13)

Sec. 27-35. Charges for installation of water service connections.

There shall be an installation charge for all water service connections.

- (1) Charges for the installation of a metered water service connection, including the service line, the meter, an automatic meter reading device and pavement replacement, shall vary with the size of the meter installed according to the following table:

<i>Size of Meter (inches)</i>	<i>Charge</i>
5/8.	\$2,333.68
3/4.	2,325.69
1.	2,469.08
1 1/2.	3,073.56
2.	3,444.53

- (2) Charges for the installation of a metered water service connection, including the service line, the meter and an automatic meter reading device, which does not require pavement replacement, shall vary with the size of the meter installed according to the following table:

<i>Size of Meter (inches)</i>	<i>Charge</i>
5/8.	\$1,454.68
3/4.	1,446.69
1.	1,590.08
1 1/2.	2,194.56
2.	2,565.53

- (3) Charges for the installation of multiple 5/8" metered water service connections at the same location, including the service lines and the automated read meters, with pavement replacement, shall vary with the number of connections according to the following table:

<i>No. of Meters</i>	<i>Charge</i>
2.	\$2,939.60
3.	3,611.73
4.	4,178.63
5.	4,988.95
6.	5,469.26
7.	6,969.41
8.	7,536.81
9.	8,708.21
10.	9,275.13
11.	10,430.79
12.	10,997.68

- (4) Charges for the installation of multiple 5/8" metered water service connections at the same location, including the service lines and the meters, which do not require pavement replacement shall vary with the number of connections according to the following table:

<i>No. of Meters</i>	<i>Charge</i>
2.	\$2,060.60
3.	2,715.48
4.	3,282.38
5.	3,851.20
6.	4,331.51
7.	4,986.41
8.	5,553.81
9.	6,213.71
10.	6,780.63
11.	7,436.04
12.	8,002.93

- (5) Charges for the installation of two 1" metered water service connections in the same trench, including the service lines, the meters, and pavement replacement, shall be three thousand two hundred twenty-nine dollars and eighty-five cents (\$3,229.85).

- (6) Charges for the installation of two 1" metered water service connections in the same trench, including the service lines and the meters, which do not require pavement replacement, shall be two thousand three hundred fifty dollars and eighty-five cents (\$2,350.85).

- (7) Meter installation with an automatic meter reading device including all materials to be installed by Tucson Water, charges shall be in accordance with the following table:

<i>Size of Meter (inches)</i>	<i>Charge</i>
5/8.	\$475.76
3/4.	467.77
1.	533.57
1 1/2.	785.29
2.	918.23

Charges for meter installations with an automated reading device where the developer will install the box and bricks on an existing water service line shall be in accordance with the following table:

<i>Size of Meter (inches)</i>	<i>Charge</i>
5/8.	\$393.66
3/4.	385.67
1.	432.84
1 1/2.	642.36
2.	775.30

- (8) Charges for the installation of an additional metered water connection at the same time and in the same trench as the installation of fire protection service shall be in accordance with the current city contract for such work. The current contract shall be posted in the customer reception area of the water utility's new development unit and may be reviewed by an applicant for any type of water service. No administrative fee in addition to that referenced in section 27-35(9) shall be charged to the applicant. Charges for installation of a meter on such a service line connection shall be in accordance with the tables in section 27-35(7).

- (9) Charges for the installation of unmetered fire protection service, including any required service lines or piping, shall be in accordance with the current city contract for such work. The current contract shall be posted in the customer reception area of the water utility's new development unit and may be reviewed by an applicant for any type of water service. In addition, an

applicant for fire protection service shall pay an administrative fee of three hundred seventeen dollars (\$317.00) for each such service request.

- (10) Charges for the installation of a fire hydrant, including the installation of service lines necessary to provide fire hydrants, shall be in accordance with the current city contract for such work. The current contract shall be posted in the customer reception area of the water utility's new development unit and may be reviewed by an applicant for any type of water service. In addition, an applicant for a fire hydrant shall pay an administrative fee of three hundred seventeen dollars (\$317.00) for each service request.

- (11) Charges for the installation of a consumer requested ball valve on the property side of the meter shall be based upon the cost of material in accordance with the following table:

<i>Size of Meter (inches)</i>	<i>Charge</i>
5/8.	\$33.16
3/4.	33.16
1.	70.67
1 1/2.	123.85
2.	192.18

- (12) Charges for relocating an existing meter at the customer’s request shall be in accordance with the following table:

<i>Size of Meter (inches)</i>	<i>Change in Location of Up to 10 Feet</i>	<i>Change in Location of 11 to 20 Feet</i>
5/8	\$608.39	\$754.93
3/4	608.39	754.93
1	665.44	819.67
1 1/2	898.42	1,109.34
2	1,071.60	1,328.94

Meter relocations of greater than twenty (20) feet shall be charged according to section 27-35(1) or 27-35(2).

- (13) When the customer has not exposed the dead at curb for meter installation Tucson Water will perform the service and the customer will pay a fee of two hundred forty-six dollars and twenty-eight cents (\$246.28).
- (14) A customer who cancels any new service installation will be charged a fee of twenty-five dollars and fifty-six cents (\$25.56).
- (15) Whenever reclaimed water signs and poles are needed after initial installation, the customer will be charged a fee of forty-eight dollars and twenty-nine cents (\$48.29).
- (16) When a customer needs to have Tucson Water close the valves in the water system in order to isolate the fire service connection to their property so a licensed contractor can inspect the fire service, a fee of one hundred thirty-one dollars and twenty-seven cents (\$131.27) will be charged.
- (17) Charges for uncommon service installations or rare aspects of common installations shall be based on estimated actual costs and provided in a written quotation to the applicant.

- (18) When a major component of an installation must be replaced with a more costly version of the component (such as a concrete meter box being replaced with a cast iron meter box), the applicant shall be informed of the replacement and charged for the more costly version.

- (19) Unusual actual construction costs in excess of ten (10) percent of the installation charges established in section 27-35 may be assessed and collected prior to the activation of service.

- (20) All applicable “pass-through” fees, such as special paving required for moratorium streets, permit fees, rights-of-way costs, recording fees and taxes, shall be added to the installation charges in section 27-35.

(Ord. No. 4489, § 7, 5-24-76; Ord. No. 4763, § 4, 2-27-78; Ord. No. 5137, § 3, 4-21-80; Ord. No. 5235, § 2, 10-6-80; Ord. No. 5355, 4, 4-20-81; Ord. No. 5557, § 3, 5-3-82; Ord. No. 5756, § 4, 5-2-83; Ord. No. 6222, § 4, 4-22-85; Ord. No. 6692, § 4, 4-13-87; Ord. No. 6925, § 4, 4-11-88; Ord. No. 7171, § 5, 4-17-89; Ord. No. 7391, § 4, 4-16-90; Ord. No. 7607, § 2, 4-15-91; Ord. No. 7797, § 2, 4-13-92; Ord. No. 8121, § 2, 9-7-93; Ord. No. 8446, § 2, 2-13-95; Ord. No. 8747, § 2, 8-5-96; Ord. No. 8768, § 4, 10-28-96; Ord. No. 9018, § 1, 2-23-98; Ord. No. 9043, §§ 2, 3, 4-13-98; Ord. No. 9238, § 3, 6-14-99; Ord. No. 9377, § 1, 4-17-00; Ord. No. 9388, § 1, 5-22-00; Ord. No. 9555, § 1, 5-14-01; Ord. No. 9704, § 2, 5-13-02; Ord. No. 9842, § 1, 5-12-03; Ord. No. 9977, § 2, 5-24-04; Ord. No. 10359, § 2, 12-12-06, eff. 1-16-07; Ord. No. 10510, § 2, 3-18-08, eff. 7-1-08; Ord. No. 10897, § 2, 5-24-11, eff. 7-5-11; Ord. No. 11072, § 2, 5-21-13, eff. 7-1-13)

Sec. 27-36. System equity, Central Arizona Project, and areas-specific fees.

(a) A system equity fee shall be charged for connections to the potable system.

- (1) The system equity fee recovers the infrastructure costs incurred to provide capacity to serve new users. The fee has been calculated by multiplying the cost for one gallon of capacity (cost of capacity-generating infrastructure divided by the gallons of capacity provided by that infrastructure) by the capacity required by a new connection (as determined by meter size).

The system equity fee will be used to pay principal and interest on outstanding water revenue bond debt. Separate recording of fee proceeds and uses will be maintained.

- (2) A system equity fee shall be charged for potable metered connections to the water system, except for (1) construction water meter connections, (2) connections within isolated systems and, (3) connections within the Peppertree Plan and Santa Rita Bel Air Plan areas; connections within these two areas will be charged fees per Section 27-36(b) and Section 27-36(c).

<i>Meter Size (inches)</i>	<i>Charge</i>
5/8.	\$1,311.00
3/4.	1,967.00
1.	3,278.00
1 1/2.	6,555.00
2.	10,488.00
3.	20,976.00
4.	36,053.00
6.	73,809.00
8.	111,435.00
10.	170,430.00
12.	281,865.00

Charges for replacement of an existing meter with a meter of larger size shall be computed based on the incremental difference between the system equity fee for the respective meters at the time of filing the application for meter change-out. No refunds will be

credited for replacement of an existing meter with a meter of smaller size.

(b) A Central Arizona Project (“CAP”) Water Resource Fee shall be charged for connections to the potable system.

- (1) The CAP water resource fee recovers costs incurred for acquisition of CAP water rights from new connections, by determining the cost per acre-foot of CAP water rights available for new connections divided by the connection’s capacity requirement (as determined by meter size).
- (2) The CAP water resource fee will be used to pay for payments made to the Central Arizona Water Conservation District for back CAP capital/water right costs, administrative fees resulting from the city’s CAP allocation, and payments for future CAP capital/water right payments made to the Central Arizona Water Conservation District.

If revenues in a given year from the CAP water resource fee exceed the above uses related to CAP capital/water right payments, the revenues will be used as reimbursement for monies previously spent on back capital/water right payments: these revenues may be used to fund various requirements, including the establishment of a reserve for future water right acquisitions.

A separate recording of fee proceeds and uses will be maintained.

- (3) The CAP water resource fee shall be charged for potable metered connections to the water system, except for (i) construction water meter connections, (ii) connections within isolated systems, including Santa Rita Bel Air, until such time as this isolated system is interconnected to the central water system, (iii) connections within the Peppertree Ranch area, and (iv) connections within the Dove Mountain Area which are subject to a pre-existing development agreement.

<i>Meter Size (inches)</i>	<i>Charge</i>
5/8.	\$200.00
3/4.	300.00
1.	500.00
1 1/2.	1,000.00
2.	1,600.00
3.	3,200.00
4.	5,500.00
6.	11,250.00
8.	17,000.00
10.	26,000.00
12.	43,000.00

Charges for replacement of an existing meter with a meter of larger size shall be computed based on the incremental difference between the CAP water resource fee for the respective meters at the time of filing the application for meter change-out. No refunds will be credited for replacement of an existing meter with a meter of smaller size.

(c) The director may impose area-specific water development fees to recover the capital costs associated with the design and construction of a water supply system for specific water service areas. The Peppertree Ranch and Santa Rita Bel Air fees recover certain infrastructure costs within the specific areas. The fees have been calculated by allocating these costs to the number of meters (based on equivalent meter sizes) planned for the specific areas.

(1) *Peppertree Ranch water service area.* The boundaries of the Peppertree Ranch water service area are hereby established as shown on a map entitled “Peppertree Ranch Water Service Area”, copies of which are on file in the office of the city clerk and Tucson Water. Each new water connection shall pay a Peppertree Ranch water development fee in accordance with the following table:

<i>Meter Size (inches)</i>	<i>Peppertree Ranch Water Development Fee</i>
5/8.	\$188.00
1.	470.00
1 1/2.	940.00
2.	1,504.00
3.	3,290.00
4.	4,700.00
6.	9,400.00

8.	15,040.00
10.	21,620.00
12.	32,900.00

(2) *Santa Rita Bel Air Isolated System.* Each new connection to the Santa Rita Bel Air Isolated System shall pay a Santa Rita Bel Air isolated water system fee in accordance with the following table:

<i>Meter Size (inches)</i>	<i>Santa Rita Bel Air Isolated Water System Fee</i>
5/8.	\$1,814
1.	4,535
1 1/2.	9,070
2.	14,512
3.	29,024
4.	49,885
6.	102,128
8.	154,190
10.	235,820
12.	390,010

(3) *Diamond Bell Isolated System.* Each new connection to the Diamond Bell Isolated System shall pay a Diamond Bell isolated water system fee in accordance with the following table:

<i>Meter Size (inches)</i>	<i>Diamond Bell Isolated Water System Fee</i>
5/8.	\$2,778
1.	6,945
1 1/2.	13,890
2.	22,224
3.	44,448
4.	76,395

(d) The director may impose area-specific water development fees to recover the capital costs associated with the design and a construction of a water supply system for specific water service areas. The Peppertree Ranch and Santa Rita Bel Air fees recover certain infrastructure costs within the specific areas. The fees have been calculated by allocating these costs to the number of meters (based on equivalent meter sizes) planned for the specific areas.

(Ord. No. 4980, § 1, 5-29-79; Ord. No. 5268, § 1, 12-8-80; Ord. No. 5424, § 1, 8-3-81; Ord. No. 5425, § 1, 8-3-81; Ord. No. 5426, § 1, 8-3-81; Ord. No. 5786, §§ 1 – 4, 6-13-83; Ord. No. 6025, §§ 1 – 4, 6-11-84;

Ord. No. 6249, §§ 1 – 5, 6-3-85; Ord. No. 9136, § 1, 10-5-98; Ord. No. 9842, § 1, 5-12-03; Ord. No. 9935, § 1, 2-9-04; Ord. No. 10202, § 1, 9-27-05; Ord. No. 10385, § 1, 4-4-07, eff. 7-9-07; Ord. No. 10386, § 1, 4-4-07; Ord. No. 10643, § 1, 3-24-09, eff. 7-6-09; Ord. No. 10644, § 1, 3-24-09, eff. 7-6-09; Ord. No. 10958, § 1, 1-24-12, eff. 7-2-12; Ord. No. 10959, § 1, 1-24-12, eff. 7-2-12)

Editor’s note – It should be noted that Ord. No. 10958, § 5, states that the fee changes approved by this ordinance (§ 27-36(b)) shall take effect on July 2, 2012, and shall apply to all meter readings accepted after July 2, 2012. Additionally, Ord. No. 10959, § 5, states that the fee changes approved by this ordinance (§ 27-36(a)) shall take effect on July 2, 2012, and shall apply to all meter applications accepted after July 2, 2012.

Sec. 27-37. Agreements for construction of water facilities authorized.

The director may permit the construction of water facilities to provide water service in areas where no water service is available. Construction may be accomplished by (1) the applicant’s contractor (private contract) or (2) city contract or city force account.

- (1) The director is authorized to permit construction of water facilities by private contract upon written application. Agreements for construction of water facilities shall provide that all costs are at the sole expense of the applicant except as noted therein.
 - a. The facilities will be constructed, at the sole expense and cost of the applicant, within streets, avenues, alleys and rights-of-way pursuant to grants of easements.
 - b. Plans for construction will be provided by the applicant, certified by a registered professional engineer, and reviewed and accepted by the director or his designee.
 - c. With each application for the construction of water facilities authorized by this section, the applicant shall execute and deliver to the director, an agreement for the construction thereof by private contract. If the agreement conforms with the provisions

of this chapter, the director will authorize construction of the applicant’s water facilities.

- d. The construction of water facilities so authorized will be inspected and tested for water quality and water pressure by the director or his designee, and will comply in every respect with the material and installation standard of the department.
- e. The applicant will be assessed fees for plan review, inspection, and system isolation (for connection of constructed water facilities to the existing system). Water system research required by an applicant prior to the submission of any plan will be charged at the Master Plan rate (first submittal, first sheet) indicated below. The Master Plan fee(s) will also be applicable when the Master Plan itself is submitted for review and approved by water staff. Plan review fees will be collected upon plan submittal or re-submittal, in accordance with the following schedule:

<i>Review Service</i>	<i>Fee</i>
<i>Master Plan Only:</i>	
First Submittal	First Sheet \$364.47
	Each Subsequent Sheet 63.61
Each Re-submittal of Plan	138.84
<i>Design Review Only:</i>	
First Submittal	First Sheet 373.08
	Each Subsequent Sheet 127.24
First Re-submittal of Design:	First Sheet 138.84
	Each Subsequent Sheet 63.61
Each Subsequent Re-submittal of Design	138.84
Plan Revision	127.24

f. Construction inspection fees will be collected prior to the director’s authorization of construction of applicant’s water facility (section 27-37(1)). Fees will be calculated as follows:

Pipeline inspection:

Projects of 200 linear feet or less... \$317.00

Projects greater than 200 linear feet, per linear foot. \$7.00

Other facility inspection (non-pipeline), per facility... \$67.94 per hour

System isolation fee, per pipeline project or facility... \$270.21

(2) The director is authorized to elect to charge the applicant an appropriate fee and design and construct, by city contract or by city force account, applicant pipeline extensions or other water facilities. An applicant will be assessed an hourly rate of one hundred forty-seven dollars and forty-eight cents (\$147.48) if Tucson Water provides the design and construction documents for the electrical and control portions of applicant-required facilities. If the extension or facility is to be designed and constructed by force account, the applicant will be charged the estimated design and construction costs of such extensions or facilities as determined by the director or his or her designee; or if the extension or facility is to be designed and constructed by city contract, the cost to the applicant shall be based on the costs referenced in current contracts. Current contracts shall be available in the customer reception area of the water utility’s new development unit and may be reviewed by an applicant for any type of water service. In addition to the design or construction cost, the applicant shall pay the fees indicated in 27-37(1)(f) and if applicable, the fees indicated in 27-37(1)(e).

In addition, the applicant shall pay a protected main service fee of seventy-five dollars (\$75.00), such fee recovering the costs of administering the protected main program.

(3) The director may require an applicant to install “on-site” or “off-site” water facilities of a size greater than is required to provide service to the applicant’s development; provided, however, that the director refund the cost of the oversizing to the applicant. The refund amount for oversized pipelines and valves shall be computed from the following tables for the quantities actually installed:

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<i>Applicant Size (inches)</i>	<i>Size Requested (inches)</i>	<i>Refund Amount</i>	
		<i>Pipe (per foot)</i>	<i>Valve</i>
6	8	\$8.96	\$466.67
6	12	46.83	1,766.67
6	16	69.46	5,000.00
8	12	37.88	1,300.00
8	16	60.50	4,533.33
12	16	22.63	3,233.33

For sizes larger than sixteen (16) inches, the cost differential shall be as determined by the director based on the most recent bids for equivalent installations. Where field conditions require extraordinary costs, the director may reimburse a share proportionate to the oversizing required by the city. In these situations the applicant shall provide documentation of actual costs incurred.

(4) Every nonparticipating applicant for a connection to a water main installed shall be assessed a fee designed to recover a pro rata share of the initial capital cost of the:

a. *Distribution main installation.* The fee shall be based on the lineal foot frontage of the subdivision, lot or parcel to be served, as measured along the street, alley or easement right-of-way line to which the connection will be installed. The fee shall be in accordance with the following table:

<i>Inches</i>	<i>Fee Amount</i>
6.....	\$23.00
8.....	27.48
12.....	46.42
16.....	57.73

In addition, the applicant shall pay a protected main service fee of sixty-three dollars and ninety cents (\$63.90), such fee recovering the costs of administering the protected main program.

b. *Water facilities other than distribution mains.* The fee shall be calculated and based upon the percentage of non-participant's acreage or service connections to the total anticipated service area acreage or number of services possible to be served by the facility and factored against the total cost of the facility's construction. In addition, the applicant shall pay a protected facility service fee of sixty-three dollars and ninety cents (\$63.90), such fee recovering the costs of administering the protected facility program.

(Ord. No. 4489, § 9, 5-24-76; Ord. No. 4621, § 4, 2-7-77; Ord. No. 4626, § 8, 3-3-77; Ord. No. 5235, § 3, 10-6-80; Ord. No. 6240, § 1, 5-20-85; Ord. No. 7391, § 5, 4-16-90; Ord. No. 8415, § 1, 12-5-94; Ord. No. 8838, § 1, 3-17-97; Ord. No. 9043, § 4, 4-13-98; Ord. No. 9388, § 1, 5-22-00; Ord. No. 9555, § 1, 5-14-01, eff. 6-25-01; Ord. No. 9704, § 2, 5-13-02, eff. 6-24-02; Ord. No. 9725, § 1, 6-24-02, eff. 7-29-02; Ord. No. 9842, § 1, 5-12-03; Ord. No. 9977, § 2, 5-24-04; Ord. No. 10359, § 2, 12-12-06, eff. 1-16-07; Ord. No. 10510, § 2, 3-18-08, eff. 7-1-08; Ord. No. 10897, § 2, 5-24-11, eff. 7-5-11; Ord. No. 11072, § 2, 5-21-13, eff. 7-1-13)

Sec. 27-38. Provisions for refund of cost of water mains or water facilities installed by private contract under certain conditions authorized.

Should water facilities installed pursuant to section 27-37 be installed in such a manner as to provide water service to a property not participating in the construction cost, the director may enter into an agreement for partial refund of the cost of the facilities so installed.

- (1) In no case will the agreed refund amount exceed the total funds to be collected as authorized in section 27-37(4).
- (2) Such refunds shall continue for a maximum period of fifteen (15) years from the date of the agreement. Any balances remaining unpaid shall be considered canceled, and the

city shall be fully discharged from any further obligation under the agreement.

(Ord. No. 5235, § 4, 10-6-80; Ord. No. 6240, § 2, 5-20-85; Ord. No. 8121, § 3, 9-7-93; Ord. No. 9238, § 4, 6-14-99; Ord. No. 9842, § 1, 5-12-03)

Note – See editor’s note following § 27-31.

Sec. 27-38.1. Provisions for refund of cost of water mains or facilities funded and installed by the city under certain conditions authorized.

Should water mains or water facilities installed and funded by the city to provide water service to a property not participating in the construction cost, the director may designate the water main or water facility as “city protected” and collect a protected main fee or a protected facility fee and service fee pursuant to section 27-37(4).

(Ord. No. 9111, § 1, 9-8-98; Ord. No. 9388, § 1, 5-22-00)

Sec. 27-39. Reserved.

Editor’s note – Ord. No. 3394, § 10, adopted Jan. 12, 1970, amended this Code by repealing former § 27-39 derived from 1953 Code, ch. 25, § 22d, and Ord. No. 1938, § 8. Former § 27-39 contained additional charges for remote areas.

Sec. 27-40. Sales taxes and in-lieu-of franchise taxes.

All applicable sales taxes and in-lieu-of franchise taxes are to be added on all water sales in all areas.

(1953 Code, ch. 25, § 22e; Ord. No. 1938, § 9; Ord. No. 3394, § 11, 1-12-70)

Sec. 27-41. Accommodation and standby water service.

The city water department may supply accommodation and standby water service under the following conditions:

Sec. 27-41.1(1). Where the city water department has sufficient water service available, at the location service is desired, to supply the applicant for accommodation or standby service without impairing service to the department’s regular customers.

Sec. 27-41.1(2). The applicant shall pay the full costs of making the physical connection, including any main extension, the service connection and meter.

Sec. 27-41.1(3). Charges shall be as follows:

(a) The minimum applicable monthly charge according to the meter size and quantity of water used.

(b) Minimum charge is to be billed for a full twelve (12) months, or in the event the meter is removed for any cause, the charge for reconnection shall be thirty-two dollars and ninety-five cents (\$32.95).

(Ord. No. 2665, § 9, 9-21-64; Ord. No. 3394, § 12, 1-12-70; Ord. No. 9388, § 1, 5-22-00; Ord. No. 9704, § 2, 5-13-02; Ord. No. 10510, § 2, 3-18-08, eff. 7-1-08; Ord. No. 11072, § 2, 5-21-13, eff. 7-1-13)

Note – Former § 27-41.1.

Sec. 27-42. Temporary services authorized; conditions; rates.

For temporary services to circuses, fairs, camps and construction works, etc., the temporary nature or limited duration of which enterprise is known in advance, and also to operations of a speculative exploratory character or of a doubtful permanence, the water utility will, if in the opinion of the superintendent of the water department the furnishing of such service will not work an undue hardship upon it or its then existing consumers, furnish such temporary service under the following conditions:

Sec. 27-42(1). The applicant for such temporary service shall be required to pay to the water utility the cost of installing and removing any facilities necessary in connection with the furnishing of such service by the utility.

Sec. 27-42(2). Each applicant for temporary service may be required to deposit with the water utility a sum of money equal to the estimated amount of the water utility’s charges for such service, or to secure otherwise, in a manner satisfactory to the water utility, the payment of any bills which may accrue by reason of such service so furnished or supplied.

Sec. 27-42(3). Nothing in this section shall be construed as limiting or in any way affecting the right of the water utility to collect from the consumer any other or additional sum of money which may become due and payable to the water utility from the consumer by reason of the temporary service furnished or to be furnished hereunder.

Sec. 27-42(4). Actual water used shall be charged for at the above rate.
(1953 Code, ch. 25, § 23)

Sec. 27-43. Charge when meter not registering properly.

(a) In the event any water meter has failed to register the water used, the estimated charge for water service shall be based on the previous year's consumption amount. If the customer does not have consumption history for the prior year period, the average of the class or other equitable method may be utilized.

(b) In the event meters that are equipped with an automatic meter reading device (AMRs) that fail to transmit readings, the billing will be corrected by utilizing the actual meter reading registered on the meter. The consumption will be distributed over the months where the reading transmission failed.

(c) When the accuracy of a water meter is questioned by the consumer, the department shall cause an official test to be made upon payment by the consumer in the amount of one hundred eleven dollars and thirty-seven cents (\$111.37). For testing three (3) inch or larger meters, the charge shall be based on a department estimate of the actual cost.

If, upon completion of the official test, it is found that the meter is registering over three (3) percent more water than actually passes through at any flow, another meter will be substituted therefor, and the fee charge for such test will be refunded to the applicant. An adjustment for a period of three (3) months prior to the test will be made on the basis of the percentage the meter is over-registering.

(1953 Code, ch. 25, § 24; Ord. No. 4489, § 11, 5-24-76; Ord. No. 4626, § 9, 3-3-77; Ord. No. 7391, § 6, 4-16-90; Ord. No. 8446, § 3, 2-13-95; Ord. No. 9238, § 5, 6-14-99; Ord. No. 9377, § 1, 4-17-00; Ord. No.

9388, § 1, 5-22-00; Ord. No. 9555, § 1, 5-14-01; Ord. No. 9704, § 2, 5-13-02; Ord. No. 9842, § 1, 5-12-03; Ord. No. 9977, § 2, 5-24-04; Ord. No. 10359, § 2, 12-12-06, eff. 1-16-07; Ord. No. 10510, § 2, 3-18-08, eff. 7-1-08; Ord. No. 10897, § 2, 5-24-11, eff. 7-5-11; Ord. No. 11072, § 2, 5-21-13, eff. 7-1-13)

Sec. 27-44. Charge when meter removed.

Whenever a meter has been removed for any cause for more than thirty (30) days, the superintendent of the water department may fix a flat charge based upon the average charges for the previous three (3) months, or the same amount as was charged during the same month or period the year preceding, whichever is the lower amount.

(1953 Code, ch. 25, § 24)

Sec. 27-45. Charge for water used for public works or improvements.

In addition to the rates established by this article, the superintendent of the water department is hereby directed to charge and collect for all water used by any person performing any street improvement or other public work contract with the city.

(1953 Code, ch. 25, § 29)

Sec. 27-46. Charge for water used in flooding excavations.

The superintendent of the water department is hereby directed to charge and collect a reasonable amount for all waters used by any person in flooding trenches and other excavations which have been made or dug in the construction of any sewers, manholes, pipelines, gas mains, telephone or electric light conduits in the city; and the rate to be so charged shall be fixed by the superintendent of the water department.

(1953 Code, ch. 25, § 30)

Sec. 27-47. Water charges when not otherwise provided.

Any and all water consumption not specifically mentioned or provided for in this article shall be charged by special rate, to be assessed by the superintendent of the water department.

(1953 Code, ch. 25, § 31)

Sec. 27-48. Liability for charges where one service pipe serves multiple premises.

Whenever a service enters upon any property and its branches and extensions pass through the bounds of such property for the purpose of furnishing a supply of water to any adjoining property, the property upon which the service first enters shall be charged for the water furnished by any and all branches, extensions, etc., of the service; and should a meter be installed upon such service, the rate for water shall be assessed to the property first named.
(1953 Code, ch. 25, § 28; Ord. No. 11072, § 2, 5-21-13, eff. 7-1-13)

Sec. 27-49. When and where bills due and payable.

Water rates are due and payable at the office of the water department upon determination of the amount of charge for the water rate. Water rates are delinquent if not paid within twenty (20) days of the date the charges are due and payable.
(1953 Code, ch. 25, § 25; Ord. No. 3394, § 13, 1-12-70)

Sec. 27-50. Discontinuing service for non-payment of water bill; customer right to dispute account balance.

- (1) *Discontinuing service for nonpayment.*
 - (a) If a customer's account balance is greater than seventy-five dollars (\$75.00) and if that balance has been outstanding for forty (40) days, the customer shall be given written notice that the account is past due. This notice shall also inform the customer of the right to dispute the balance, in accordance with section 27-50(2). The notice shall further state that the customer has seven (7) days from the date of the written notice to contact the utility if the customer wishes to dispute the balance before a hearing officer in accordance with section 27-50(2).
 - (b) If no payment has been received within seven (7) days following the written notice, the customer shall be given a secondary notice that the account is delinquent and the service subject to turn-off. At this time a delinquent service charge of eleven dollars and twenty-five cents (\$11.25) shall be assessed on the customer's account.

- (c) If the delinquent balance is not paid within an additional seven (7) days, the water supply shall, without further notification, be turned off, the meter locked, and a delinquent service charge of fifty-five dollars and fifty-two cents (\$55.52) assessed on the customer's account. However, if the customer is disputing the water bill in accordance with section 27-50(2), water service shall not be turned off until, or unless, the customer's dispute is found to be without merit by the hearing officer.
- (d) If a customer whose meter has been locked has not paid within an additional seven (7) days, the customer's account shall be terminated. Prior to reestablishing service, the full account balance shall be paid.
- (2) *Customer right to dispute account balance.*
 - (a) Customers objecting to the actions, policies, or decisions of the water department with regard to utility service billing may informally appeal to the billing office superintendent in person, by telephone, or via electronic and/or postal mail.
 - (b) The billing office will attempt, in a timely manner, to resolve the situation.
 - (c) If the problem is not resolved by an informal appeal, the customer shall be advised of the right to an administrative hearing.
 - (d) The director of the water utility shall appoint a hearing officer to resolve customer billing disputes. For any particular dispute, the hearing officer shall have had no previous involvement with the customer's case. In the event that such involvement exists, the director shall designate another hearing officer.
 - (e) This hearing officer shall be authorized to make a decision as to the validity of the customer's dispute, and, if the customer's dispute is found to be valid, shall also be authorized to make the appropriate corrections to the customer's account, including the potential removal of delinquent service charges.

(f) If the hearing officer requires a more complete set of facts than can be gathered at the time of the hearing, the officer shall make whatever investigation is necessary before rendering a decision.

(g) The customer's water service shall not be terminated until and unless the hearing officer completes the investigation and finds the customer's dispute to be without merit. However, the hearing process does not relieve the customer of the obligation to pay water bills. The customer must continue to pay in a timely manner, all water bills received or be subject to delinquent service charges should the account balance exceed seventy-five dollars (\$75.00).

(h) The hearing officer's determination regarding disputed customer account balance is final.

(1953 Code, ch. 25, § 26; Ord. No. 2665, § 10, 9-21-64; Ord. No. 3394, § 14, 1-12-70; Ord. No. 4626, § 10, 3-3-77; Ord. No. 4874, § 1, 9-5-78; Ord. No. 5355, § 5, 4-20-81; Ord. No. 9043, § 5, 4-13-98; Ord. No. 9238, § 6, 6-14-99; Ord. No. 9388, § 1, 5-22-00; Ord. No. 9704, § 2, 5-13-02; Ord. No. 10359, § 2, 12-12-06, eff. 1-16-07; Ord. No. 10510, § 2, 3-18-08, eff. 7-1-08; Ord. No. 10897, § 2, 5-24-11, eff. 7-5-11; Ord. No. 11072, § 2, 5-21-13, eff. 7-1-13)

Sec. 27-51. Resuming service after discontinued for nonpayment or violations.

(1) In no case shall any individual or plumber turn on the water supply when the supply has been turned off for nonpayment of amounts owing on the customer's account or for any other cause referenced in chapter 27. All water service that has been turned off by the water utility shall be turned on again solely by the water utility.

(2) If the utility has removed the customer's meter to prevent illegal use of water after the customer's account had been terminated for delinquency or any other cause, the customer shall pay thirty-two dollars and ninety-five cents (\$32.95) to have the meter reinstalled, in addition to any other outstanding balance on the customer's account, before the utility restores water service to the customer.

(1953 Code, ch. 25, § 27; Ord. No. 9388, § 1, 5-22-00; Ord. No. 9555, § 1, 5-14-01; Ord. No. 9704, § 2, 5-13-02; Ord. No. 10510, § 2, 3-18-08, eff. 7-1-08; Ord. No. 11072, § 2, 5-21-13, eff. 7-1-13)

Sec. 27-52. Customer service relief and courtesy adjustments.

Adjustments are offered to customers upon their request when there is a valid high water use such as leaks, theft, vandalism, or other known consumption. They are also given when there is unexplained high water use. All other applicable water charges and taxes are applied after the adjustment is given.

(1) Adjustments are given when all of the following conditions are met:

(a) Water use by the customer has returned to normal levels.

(b) The use in question was more than twenty (20) Ccfs.

(c) An adjustment has not been given on the account within the past three (3) years.

(d) The water use in question must have occurred within the past seven (7) months.

(e) No adjustments are made available for reclaimed water or construction water accounts.

(2) *Customer relief adjustment.*

(a) A customer relief adjustment is calculated by charging a residential customer for high water use at the current adopted rate for the same water use block of the same month of the prior year.

(b) The customer relief adjustment applies to the residential single family and duplex-triplex customer classes.

(3) *Courtesy adjustment.*

- (a) A courtesy adjustment is calculated by taking the difference of water use between the high water use month and the same month in the previous year and allowing one half (1/2) of that amount to be dismissed.
- (b) The courtesy adjustment is for customer classes of multifamily, mobile home parks w/sub-meters, commercial, and industrial.

(Ord. No. 10999, § 1, 6-19-12)

Editor’s note – Section 4 of Ord. No. 10999, adopted June 19, 2012, provides that the fee adjustments approved by Ord. No. 10999 shall take effect for water meters read on or after July 2, 2012.

Sec. 27-53. Reserved.

Editor’s note – Ord. No. 4489, § 12, adopted May 24, 1976, specifically amended the Code by repealing §§ 27-52 and 27-53, which had pertained to charges for industrial water users and commercial water rates. The sections had been derived from Ord. No. 3167, §§ 1 and 2, adopted Sept 16, 1968; Ord. No. 4130, § 5, adopted Mar. 11, 1974; and Ord. No. 4178, § 1, adopted May 20, 1974.

Sec. 27-54. Returned checks.

The city may impose a reasonable charge to handle the processing of checks received as payment for charges referenced in any article of chapter 27, which checks are returned for nonpayment for any reason. Should such check or bank draft be received for a delinquent balance in excess of seventy-five dollars (\$75.00), whose balance (1) has been outstanding for forty (40) days or more, and (2) is either not being formally disputed in accordance with section 27-50(2) or the hearing officer under section 27-50(2) has found in favor of the water utility, the customer’s service may be turned off and the meter locked without prior notification.

(Ord. No. 9043, § 6, 4-13-98; Ord. No. 9388, § 1, 5-22-00; Ord. No. 10305, § 1, 7-6-06, eff. 8-7-06)

Secs. 27-55 – 27-59. Reserved.

ARTICLE III. CITIZENS’ WATER ADVISORY COMMITTEE*

Sec. 27-60. Creation.

There is hereby established an entity to be called the Citizens’ Water Advisory Committee to the city. (Ord. No. 4638, § 1, 4-25-77)

Sec. 27-61. Functions and purposes.

The functions, purposes, powers and duties of the committee shall be to:

- (a) Act as the official advisory body on water capital improvement program planning and rate structure formulation to city government;
- (b) Annually review the proposed water system capital improvement program, and recommend to the governing body an annual and a six-year capital budget;
- (c) Annually review the water revenue requirements of the water system and recommend to the governing body rate adjustments as required; promote the concerns of Tucson Water customers by ensuring that recommended water rate adjustments are kept to the absolute minimum necessary, consistent with adopted mayor and council plans and policies; and ensure that the water system delivers safe, high-quality water to all its customers.
- (d) Review and report to the governing body on the long-term (twenty (20) to thirty (30) years) water source and capital needs of the water system, utilizing staff of the water utility and other sources for the information necessary for such review;
- (e) Consult with the governing body from time-to-time as may be required by the mayor and council relative to water resource development needs;

***Editor’s note** – Ord. No. 4638, § 1, adopted Apr. 25, 1977, specifically amended the Code by adding art. III, §§ 27-60 – 27-62. Sections 2 – 4 did not expressly amend the Code; hence codification as §§ 27-63 – 27-65 was at the discretion of the editor.

Sec. 27-85. Reserved.**Sec. 27-86. Fees.**

(a) The fee for issuing a permit to install a backflow prevention assembly and inspecting the installation shall be seventy-six dollars and fifty-one cents (\$76.51).

(b) A four (4) day notice fee of seventy-six dollars and fifty-one cents (\$76.51) will be assessed when the customer fails to meet the requirements imposed by this article and a Tucson Water inspector personally delivers a notice to the site stating that water service will be discontinued in four days if the requirements are not met.

(c) A compliance fee of seventy-six dollars and fifty-one cents (\$76.51) will be assessed when the customer fails to meet the requirements imposed by this article and Tucson Water discontinues potable or reclaimed water service.

(d) A fee of sixteen dollars and fourteen cents (\$16.14) will be assessed to backflow prevention assembly testers:

- (1) whenever registering or reregistering their backflow test equipment with Tucson Water, as required in Sec. 27-80(o); and
- (2) whenever registering or reregistering their certification to perform backflow prevention assembly testing with Tucson Water, as required in Sec. 27-80(p).

(Ord. No. 9976, § 2, 5-24-04; Ord. No. 10359, § 3, 12-12-06, eff. 1-16-07; Ord. No. 10510, § 3, 3-18-08, eff. 7-1-08; Ord. No. 10897, § 3, 5-24-11, eff. 7-5-11; Ord. No. 11072, § 3, 5-21-13, eff. 7-1-13)

Secs. 27-87 – 27-89. Reserved.

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Sec. 28-35(2). Persons desiring to be included on the prospective vendors list may notify the director or may register with the department electronically. The department may remove a person from the prospective vendors list if it is determined that inclusion is not advantageous to the city.

Sec. 28-35(3). It shall be the vendor's sole responsibility to ensure that vendor registration information is current and active.
(Ord. No. 10404, § 1, 5-15-07)

Sec. 28-36. Contract form and execution.

All contracts entered into under this chapter shall be executed in the name of the city by the director and approved as to form by the city attorney. Such contracts are not required to be countersigned by the city clerk.
(Ord. No. 10404, § 1, 5-15-07)

Sec. 28-37. Assignment of rights and duties.

The rights and duties of a city contract are not transferable or otherwise assignable without the written consent of the director.
(Ord. No. 10404, § 1, 5-15-07)

Sec. 28-38. Efficient resource procurement and utilization.

All printed material produced by a contractor in the performance of a contract shall, whenever practicable, be printed on recycled paper, labeled as printed on recycled paper, and duplexed.
(Ord. No. 10404, § 1, 5-15-07)

Sec. 28-39. Local preference.

In the competitive sealed bidding process and competitive sealed proposal processes utilized for general goods and services set forth herein, sections 28-17 and 28-18, respectively, but excluding competitive sealed bidding and competitive sealed proposal processes for those goods and services related to capital construction and professional design services associated therewith, the evaluation of price or fee shall include application of a preference as follows:

(a) The contract officer may apply up to a five percent (5%) competitive price preference to bids or proposals received from a responsible bidder, offeror or respondent with a cumulative total of one million

dollars (\$1,000,000) or less, and whose principal place of business of their enterprise is physically located within the Tucson Metropolitan Statistical Area (TMSA);

(b) The contract officer may apply up to a three percent (3%) competitive price preference to bids or proposals received from the responsible bidder, offeror or respondent with a cumulative total of one million dollars (\$1,000,000) or less, and whose principal place of business of their enterprise is physically located outside of the TMSA but within the State of Arizona.

(c) The contract officer may apply up to a one and one-half percent (1.5%) competitive price preference to bids or proposals received from the responsible bidder, offeror or respondent of a locally owned franchise with a cumulative total of one million dollars (\$1,000,000) or less, and whose principal place of business of their enterprise is physically located within the TMSA.

(d) A responsible bidder, offeror or respondent availing itself of preference eligibility must submit, at the time of bid or proposal submission, a signed affidavit confirming claimed eligibility. An otherwise eligible bidder, offeror or respondent not submitting the required affidavit at time of bid or proposal submission shall have surrendered its right to pursue a preference.
(Ord. No. 10992, § 1, 6-12-12, eff. 7-1-12)

Editor's note – Section 2 of Ord. No. 10992 provides: "Not later than December 31, 2014, the Director of Procurement shall report to the Mayor and Council on the efficacy of this ordinance and, unless the Mayor and Council undertake measures to continue the requirements of the ordinance, including any revisions thereto, the provisions of Section 1 shall automatically be repealed and all requirements related thereto shall cease and discontinue on January 31, 2015."

Section 3 of Ord. No. 10992 provides: "The provisions of this ordinance apply to any solicitation for goods and services not related to capital construction projects and the associated professional design services thereto that is given public notice pursuant to sections 28-17 and 28-18 on or after July 1, 2012."

Sec. 28-40. Reserved.

ARTICLE IV. SPECIFICATIONS*

Sec. 28-41. Definition.

As used in this article, "specification" is used interchangeably with "scope", "scope of services", or

***Editor's note** – See editor's note at Art. I.

“scope of work” and means any description of the physical or functional characteristics, or of the nature of a material, service or construction item. Specification may include a description of any requirement for inspecting, testing, or preparing a material, service, or construction item for delivery. (Ord. No. 10404, § 1, 5-15-07)

Sec. 28-42. Maximum practicable competition.

Sec. 28-42(1). All specifications shall seek to promote overall economy for the purposes intended and encourage competition in satisfying the city’s needs and shall not be unduly restrictive.

Sec. 28-42(2). To the extent practicable and unless otherwise permitted by this chapter, all specifications shall describe the city’s requirements in a manner that does not unnecessarily exclude a material, service, or construction item.

Sec. 28-42(3). Restrictive specifications shall not be used unless such specifications are required and it is not practicable or advantageous to use a less restrictive specification. The using agency requesting a restrictive specification shall provide written evidence to support the restrictive specification. Past success in the material’s performance, traditional purchasing practices, or inconvenience of drawing specifications do not justify the use of restrictive specifications.

Sec. 28-42(4). To the extent practicable, the city shall use accepted commercial specifications and shall procure standard commercial materials. (Ord. No. 10404, § 1, 5-15-07)

Sec. 28-43. Specifications prepared by other than city personnel.

The requirements of this chapter regarding the purposes and nonrestrictiveness of specifications shall apply to all specifications prepared other than by city personnel, including, but not limited to, those prepared by architects, engineers, designers, and consultants for public contracts, or subcontractors. No person preparing specifications shall receive any direct or indirect benefit from the utilization of such specifications. (Ord. No. 10404, § 1, 5-15-07)

Sec. 28-44. Brand name or equal specification.

A brand name or equal specification may be used to describe the standards of quality, performance, and other characteristics needed to meet the requirements of a solicitation, and which invites offers for equivalent products from an manufacturer. (Ord. No. 10404, § 1, 5-15-07)

Sec. 28-45. Brand name specification.

A brand name specification may be used to identify the sole acceptable item that meets the city’s needs. The using agency requesting a brand name specification shall provide written evidence to support a brand name determination. A written determination by the director of the basis for the brand name shall be maintained as public record. Past success in the material’s performance, traditional purchasing practices, or inconvenience of drawing specifications do not justify the use of a brand name specification. (Ord. No. 10404, § 1, 5-15-07)

Sec. 28-46. Reserved.

ARTICLE V. PROCUREMENT OF PROFESSIONAL DESIGN SERVICES AND CAPITAL IMPROVEMENTS*

Sec. 28-47. Definitions.

In this article, unless the context otherwise requires:

Sec. 28-47(1). “*Capital improvement*” means an outlay of funds for the acquisition or improvement of real property, which extends the life or increases the productivity of the real property.

Sec. 28-47(2). “*Construction*” means the process of building, altering, repairing, improving or demolishing any public infrastructure facility, including public structure, public building, or other public improvements of any kind to any real property. Construction does not include the routine operation, routine repair, or routine maintenance of existing public infrastructures or facilities, including structures, buildings or real property.

*Editor’s note – See editor’s note at Art. I.

Sec. 28-47(3). "Construction-manager-at-risk" means a project delivery method in which:

- (a) There is a separate contract for design services and a separate contract for construction services.
- (b) The contract for construction services may be entered into at the same time as the contract for design services or at a later time.
- (c) Design and construction of the project may be in sequential phases or concurrent phases.
- (d) Finance services, maintenance services, operations services, preconstruction services and other related services may be included.

Sec. 28-47(4). "Construction services" means either of the following for construction-manager-at-risk, design-build and job-order-contracting project delivery methods:

- (a) Construction, excluding services, through the construction-manager-at-risk or job-order-contracting project delivery methods.
- (b) A combination of construction and, as elected by the city, one or more related services, such as finance services, maintenance services, operations services, design services and preconstruction services, as those services are authorized in the definitions of construction-manager-at-risk, design-build or job-order-contracting in this section.

Sec. 28-47(5). "Cost" means the aggregate cost of all materials and services, including labor performed by force account.

Sec. 28-47(6). "Design-bid-build" means a project delivery method in which:

- (a) There is a sequential award of two (2) separate contracts.
- (b) The first contract is for design services.
- (c) The second contract is for construction.

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